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# ANTI-SLAVERY REPORTER,

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### THE PRESIDENT'S MESSAGE.

THE extraordinary pressure upon our space, which the Jamaica question has caused, placed it utterly out of our power to reproduce last month the text of the President's Message to Congress. Much of the interest attaching to this important document will have passed away; but we are nevertheless bound to record it. It was delivered on the 4th of December last. We have not given it in its entirety, but such portions only as seemed to us to bear upon anti-slavery matters.

#### THE MESSAGE.

Fellow-citizens of the Senate and House of Representatives,—

To express gratitude to God, in the name of the people, for the preservation of the United States, is my first duty in addressing you. Our thoughts next revert to the death of the late President by an act of parricidal treason. The grief of the nation is still fresh: it finds some solace in the consideration that he lived to enjoy the highest proof of its confidence by entering on the renewed term of the Chief Magistracy, to which he had been elected; that he brought the civil war substantially to a close; that his loss was deplored in all parts of the Union; and that foreign nations have rendered justice to his memory. His removal cast upon me a heavier weight of cares than ever devolved upon any one of his predecessors. To fulfil my trust I need the support and confidence of all who are associated with me in the various departments of government, and the support and confidence of the people. There is but one way in which I can hope to gain their necessary aid: it is, to state with frankness the principles which guide my conduct, and their application to the present state of affairs, well aware that the efficiency of my labours will in a great measure depend on your and their undivided approbation.

### THE UNION AND THE CONSTITUTION.

The Union of the United States of America was intended by its authors to last as long as the States themselves shall last. "The Union shall be perpetual," are the words of the Confederation. "To form a more perfect Union," by an ordinance of the people of the United States, is the declared purpose of the Constitution. The hand of Divine Providence was never more plainly visible in the affairs of men than in the framing and the adopting of that instrument. It is beyond comparison the greatest event in American history; and, indeed, is it not, of all events in modern times, the most pregnant with consequences for every people of the earth? The members of the Convention which prepared it brought to their work the experience of the Confederation, of their several States, and of other Republican Governments, old and new; but they needed and they obtained a wisdom superior to experience. And when for its validity it required the approval of a people that occupied a large part of a continent, and acted separately in many distinct conventions, what is more wonderful than that, after earnest contention and long discussion, all feelings and all opinions were ultimately drawn in one way to its support?

The constitution to which life was thus imparted contains within itself ample resources for its own preservation. It has power to enforce the laws, punish treason, and ensure domestic tranquillity. In case of the usurpation of the Government of a State by one man or an oligarchy, it becomes a duty of the United States to make good the guarantee to that State of a republican form of Government, and so to maintain the homogeneity of all. Does the lapse of time reveal defects?—a simple code of amendment is provided in the constitution itself, so that its conditions can always be made to conform to the requirements of advancing civilization. No room is allowed even for the thought of a possibility of its coming to an end. And these powers of self-preservation have always been asserted in their

complete integrity by every patriotic chief magistrate—by Jefferson and Jackson not less than by Washington and Madison. The parting advice of the father of his country, while yet President, to the people of the United States, was, that "the free constitution, which was the work of their hands, might be sacredly maintained;" and the inaugural words of President Jefferson held up "the preservation of the General Government, in its constitutional vigour, as the sheet-anchor of our peace at home and safety abroad." The constitution is the work of "the people of the United States," and it should be as indestructible as the people.

Is it not strange that the framers of the constitution, which had no model in the past, should not have fully comprehended the excellence of their own work? Fresh from a struggle against arbitrary power, many patriots suffered from harassing fears of an absorption of the State Governments by the General Government, and many from a dread that the States would break away from their orbits. But the very greatness of our country should allay the apprehensions of encroachments by the General Government. The subjects that come unquestionably within its jurisdiction are so numerous that it must ever naturally refuse to be embarrassed by questions that lie beyond it. Were it otherwise, the Executive would sink beneath the burden; the channels of justice would be choked; legislation would be obstructed by excess; so that there is greater temptation to exercise some of the functions of the General Government through the States than to trespass on their rightful sphere. "The absolute acquiescence in the decisions of the majority" was, at the beginning of the century, enforced by Jefferson "as the vital principle of republics," and the events of the last four years have established, we will hope for ever, that there lies no appeal to force.

#### STATE GOVERNMENTS.

The maintenance of the Union brings with it "the support of the State Governments in all their rights;" but it is not one of the rights of any State Government to renounce its own place in the Union, or to nullify the laws of the Union. The largest liberty is to be maintained in the discussion of the acts of the Federal Government; but there is no appeal from its laws, except to the various branches of that Government itself, or to the people, who grant to the members of the Legislative and of the Executive Departments no tenure but a limited one, and in that manner always retain the power of redress.

"The sovereignty of the States" is the language of the Confederacy, and not the language of the constitution. The latter contains the emphatic words: "The constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding."

Certainly the Government of the United States is a limited Government; and so is every State Government a limited Government. With us this idea of limitation spreads through every form of administration, General, State, and mu-

nicipal, and rest on the great distinguishing principle of the recognition of the rights of man. The ancient republics absorbed the individual in the State, prescribed his religion, and controlled his activity. The American system rests on the assertion of the equal right of every man to life, liberty, and the pursuit of happiness; to freedom of conscience, to the culture and exercise of all his faculties. As a consequence, the State Government is limited, as to the General Government in the interest of the Union, as to the individual citizen in the interest of freedom.

States, with proper limitations of power, are essential to the existence of the constitution of the United States. At the very commencement, when we assumed a place among the Powers of the earth, the Declaration of Independence was adopted by States; so also were the Articles of Confederation; and when "the people of the United States" ordained and established the constitution, it was the assent of the States, one by one, which gave it vitality. In the event, too, of any amendment to the constitution, the proposition of the Congress needs the confirmation of States. Without States, one great branch of the legislative government would be wanting. And if we look beyond the letter of the constitution to the character of our country, its capacity for comprehending within its jurisdiction a vast continental empire is due to the system of States. The best security for the perpetual existence of the States is the "supreme authority" of the constitution of the States. The perpetuity of the constitution brings with it the perpetuity of the States; their mutual relation makes us what we are, and in our political system their connection is indissoluble. The whole cannot exist without the parts, nor the parts without the whole. So long as the constitution of the United States endures, the States will endure: the destruction of the one is the destruction of the other; the preservation of the one is the preservation of the other.

#### THE WORK OF RECONSTRUCTION.

I have thus explained my views of the mutual relations of the constitution and the States, because they unfold the principles on which I have sought to solve the momentous questions and overcome the appalling difficulties that met me at the very commencement of my administration. It has been my steadiest object to escape from the sway of momentary passions, and to derive a healing policy for the fundamental and unchanging principles of the constitution.

I found the States suffering from the effects of a civil war. Resistance to the General Government appeared to have exhausted itself. The United States had recovered possession of their forts and arsenals; and their armies were in the occupation of every State which had attempted to secede. Whether the territory within the limits of those States should be held as conquered territory, under military authority emanating from the President as the head of the army, was the first question that presented itself for decision.

Now, military governments, established for an indefinite period, would have offered no security for the early suppression of discontent; would have divided the people into the vanquishers and the vanquished; and would have envenomed

hatred rather than restored affection. Once established, no precise limit to their continuance was conceivable. They would have occasioned an incalculable and exhausting expense. Peaceful emigration to and from that portion of the country is one of the best means that can be thought of for the restoration of harmony; and that emigration would have been prevented; for what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule? The chief persons who would have been dependants on the General Government, or men who expected profit from the miseries of their erring fellow-citizens. The powers of patronage and rule which would have been exercised, under the President, over a vast and populous and naturally wealthy region, are greater than, unless under extreme necessity, I should be willing to entrust to any one man: they are such as, for myself, I could never, unless on occasions of great emergency, consent to exercise. The wilful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which remained loyal.

Besides, the policy of military rule over a conquered territory would have implied that the States whose inhabitants may have taken part in the rebellion had, by the act of those inhabitants, ceased to exist. But the true theory is, that all pretended acts of secession were from the beginning null and void. The States cannot commit treason, nor screen the individual citizens who may have committed treason, any more than they can make valid treaties or engage in lawful commerce with any foreign Power. The States attempting to secede have placed themselves in a condition where their vitality was impaired, but not extinguished—their functions suspended, but not destroyed.

But if any State neglects or refuses to perform its offices there is the more need that the General Government should maintain all its authority, and, as soon as practicable, resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the General Government and of the States. To that end provisional governors have been appointed for the States, conventions called, governors elected, legislatures assembled, and senators and representatives chosen to the Congress of the United States. At the same time the courts of the United States, so far as could be done, have been re-opened, so that the laws of the United States may be enforced through their agency. The blockade has been removed, and the custom-houses re-established in ports of entry, so that the revenue of the United States may be collected. The post-office department renews its ceaseless activity, and the General Government is thereby enabled to communicate promptly with its officers and agents. The courts bring security to persons and property; the opening of the ports invites the restoration of industry and commerce; the post-office renews the facilities of social intercourse and of business. And is it not happy for us all that the restoration of each one of these functions of the General Government brings with it a blessing to the States

over which they are extended? Is it not a sure promise of harmony and renewed attachment to the Union, that, after all that has happened, the return of the General Government is known only as a beneficence?

I know very well that the policy is attended with some risk; that for its success it requires at least the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union. But it is a risk that must be taken: in the choice of difficulties it is the smallest risk; and to diminish, and, if possible, to remove all danger, I have felt it incumbent upon me to assert one other power of the General Government—the power of pardon. As no State can throw a defence over the crime of treason, the power of pardon is exclusively vested in the Executive Government of the United States. In exercising that power I have taken every precaution to connect it with the clearest recognition of the binding force of the laws of the United States, and an unqualified acknowledgment of the great social change of condition in regard to Slavery which has grown out of the war.

#### THE AMENDMENT TO THE CONSTITUTION.

The next step which I have taken to restore the constitutional relations of the States has been an invitation to them to participate in the high office of amending the constitution. Every patriot must wish for a general amnesty at the earliest epoch consistent with public safety. For this great end there is need of a concurrence of all opinions, and the spirit of mutual conciliation. All parties in the late terrible conflict must work together in harmony. It is not much to ask in the name of the whole people that, on the one side, the plan of restoration shall proceed in conformity with a willingness to cast the disorders of the past into oblivion; and that, on the other, the evidence of sincerity in the future maintenance of the Union shall be put beyond any doubt by the ratification of the proposed amendment to the constitution, which provides for the abolition of Slavery for ever within the limits of our country. So long as the adoption of this amendment is delayed, so long will doubt and jealousy and uncertainty prevail. This is the measure which will efface the sad memory of the past; this is the measure which will most certainly call population and capital and security to those parts of the Union that need them most. Indeed, it is not too much to ask of the States which are now resuming their places in the family of the Union to give this pledge of perpetual loyalty and peace. Until it is done, the past, however much we may desire it, will not be forgotten. The adoption of the amendment re-unites us beyond all power of disruption. It heals the wound that is still imperfectly closed; it removes Slavery, the element which has so long perplexed and divided the country; it makes us once more a united people, renewed and strengthened, bound more than ever to mutual affection and support.

The amendment to the constitution being adopted, it would remain for the States whose powers have been so long in abeyance, to resume their places in the two branches of the national legislature, and thereby complete the work of restoration. Here it is for you, fellow-citizens of



the Senate, and for you, fellow-citizens of the House of Representatives, to judge, each of you for yourselves, of the elections, returns, and qualifications of your own members.

#### CIRCUIT COURTS.

The full assertion of the powers of the General Government requires the holding of circuit courts of the United States within the districts where their authority has been interrupted. In the present posture of our public affairs, strong objections have been urged to holding these courts in any of the States where the rebellion has existed; and it was ascertained by inquiry that the circuit court of the United States would not be held within the district of Virginia during the autumn or early winter, nor until Congress should have "an opportunity to consider and act on the whole subject." To your deliberations the restoration of this branch of the civil authority of the United States is therefore necessarily reserved, with the hope that early provision will be made for the resumption of all its functions. It is manifest that treason, most flagrant in character, has been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the constitution and the laws may be fully vindicated; the truth clearly established and affirmed that treason is crime, that traitors should be punished, and the offence made infamous; and, at the same time, that the question may be judicially settled, finally and for ever, that no State of its own will has the right to renounce its place in the Union.

#### NEGRO SUFFRAGE.

The relations of the General Government towards the four millions of inhabitants whom the war has called into freedom have engaged my most serious consideration. On the propriety of attempting to make freedmen electors by the proclamation of the Executive, I took for my counsel the constitution itself, the interpretation of that instrument by its authors and their contemporaries, and recent legislation by Congress. When, at the first movement towards independence, the Congress of the United States instructed the several States to institute Governments of their own, they left each State to decide for itself the conditions for the enjoyment of the elective franchise. During the period of the Confederacy there continued to exist a very great diversity in the qualifications of electors in the several States; and even within a State a distinction of modifications prevailed with regard to the officers who were to be chosen. The constitution of the United States recognises these diversities when it enjoins that, in the choice of members of the House of Representatives of the United States, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." After the formation of the constitution, it remained, as before, the uniform usage for each State to enlarge the body of its electors according to its own judgment; and under this system one State after another has proceeded to increase the number of its electors, until now universal suffrage, or something very near it, is the general rule. So fixed was this

reservation of power in the hands of the people, and so unquestioned has been the interpretation of the constitution, that during the civil war the late President never harboured the purpose—certainly never avowed the purpose—of disregarding it; and in the Acts of Congress during that period nothing can be found which, during the continuance of hostilities, much less after their close, would have sanctioned any departure by the Executive from a policy which has so uniformly obtained. Moreover, a concession of the elective franchise to the freedmen by act of the President of the United States, must have been extended to all coloured men wherever found, and so must have established a change of suffrage in the Northern, Middle, and Western States, not less than in the Southern and South-Western. Such an act would have created a new class of voters, and would have been an assumption of power by the President which nothing in the constitution or laws of the United States would have warranted.

On the other hand, every danger of conflict is avoided when the settlement of the question is referred to the several States. They can, each for itself, decide on the measure, and whether it is to be adopted at once and absolutely, or introduced gradually and with conditions. In my judgment the freedmen, if they shew patience and manly virtues, will sooner obtain participation in the elective franchise through the States than through the General Government, even if it had power to intervene. When the tumult of emotions that have been raised by the suddenness of the social change shall have subsided, it may prove that they will receive the kindest usage from some of those on whom they have heretofore most closely depended.

#### RIGHTS OF THE FREEDMEN.

But while I have no doubt that now, after the close of the war, it is not competent for the General Government to extend the elective franchise in the several States, it is equally clear that good faith requires the security of the freedmen in their liberty and their property, their right to labour, and their right to claim the just return of their labour. I cannot too strongly urge a dispassionate treatment of this subject, which should be carefully kept aloof from all party strife. We must carefully avoid hasty assumptions of any natural impossibility for the two races to live side by side, in a state of mutual benefit and goodwill. The experiment involves us in no inconsistency: let us then go on and make that experiment in good faith, and not be too easily disheartened. The country is in need of labour, and the freedmen are in need of employment, culture, and protection. While their right of voluntary migration and expatriation is not to be questioned, I would not advise their forced removal and colonization. Let us rather encourage them to honourable and useful industry where it may be beneficial to themselves and to the country; and, instead of hasty anticipations of the certainty of failure, let there be nothing wanting to the fair trial of the experiment. The change in their condition is the substitution of labour by contract for the status of Slavery. The freedman cannot fairly be accused of unwillingness to work, so long as a doubt remains about



his freedom of choice in his pursuits, and the certainty of his recovering his stipulated wages. In this the interests of the employer and the employed coincide. The employer desires in his workman spirit and alacrity, and these can be permanently secured in no other way. And if the one ought to be able to enforce the contract, so ought the other. The public interest will be best promoted if the several States will provide adequate protection and remedies for the freedmen. Until this is in some way accomplished, there is no chance for the advantageous use of their labour; and the blame of ill-success will not rest on them.

I know that sincere philanthropy is earnest for the immediate realization of its remotest aims; but time is always an element in reform. It is one of the greatest acts on record to have brought four millions of people into freedom. The career of free industry must be fairly opened to them; and then their future prosperity and condition must, after all, rest mainly on themselves. If they fail, and so perish away, let us be careful that the failure shall not be attributable to any denial of justice. In all that relates to the destiny of the freedmen, we need not be too anxious to read the future. Many incidents which, from a speculative point of view, might raise alarm, will quietly settle themselves.

#### THE FUTURE WITH SLAVERY ABOLISHED.

Now that slavery is at an end, the greatness of its evil, in the point of view of public economy, becomes more and more apparent. Slavery was essentially a monopoly of labour, and as such locked the States where it prevailed against the incoming of free industry. Where labour was the property of the capitalist, the white man was excluded from employment, or had but the second best chance of finding it; and the foreign emigrant turned away from the region where his condition would be so precarious. With the destruction of the monopoly, free-labour will hasten from all parts of the civilized world to assist in developing various and immeasurable resources which have hitherto lain dormant. The eight or nine States nearest the Gulf of Mexico have a soil of exuberant fertility, a climate friendly to long life, and can sustain a denser population than is found as yet in any part of our country. And the future influx of population to them will be mainly from the North, or from the most cultivated nations of Europe. From the sufferings that have attended them during our late struggle let us look away to the future, which is sure to be laden for them with greater prosperity than has ever before been known. The removal of the monopoly of slave-labour is a pledge that those regions will be peopled by a numerous and enterprising population, which will vie with any in the Union in compactness, inventive genius, wealth, and industry.

#### THE HOMESTEAD ACT.

The report of the Secretary of the Interior . . . . . also presents evidence of the successful operation of the Homestead Act, under the provisions of which 1,160,583 acres of the public lands were entered during the last fiscal year—more than one-fourth of the whole number of acres sold or otherwise disposed of

during that period. It is estimated that the receipts derived from this source are sufficient to cover the expenses incident to the survey and disposal of the lands entered under this Act, and that payments in cash to the extent of from forty to fifty per cent. will be made by settlers, who may thus at any time acquire title before the expiration of the period at which it would otherwise rest. The homestead policy was established only after long and earnest resistance: experience proves its wisdom. The lands, in the hands of industrious settlers, whose labour creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers.

#### FOREIGN AFFAIRS.

For myself, it has been, and it will be my constant aim to promote peace and amity with all foreign nations and Powers; and I have reason to believe that they all, without exception, are animated by the same disposition.

#### ENGLAND AND AMERICA.

Our domestic contest, now happily ended, has left some traces in our relations with one at least of the great maritime Powers. The formal accordance of belligerent rights to the insurgent States was unprecedented, and has not been justified by the issue. But in the systems of neutrality pursued by the Powers which made that concession, there was a marked difference. The materials of war for the insurgent States were furnished, in a great measure, from the workshops of Great Britain, and British ships, manned by British subjects, and prepared for receiving British armaments, sailed from the ports of Great Britain to make war on American commerce, under the shelter of a commission from the insurgent States. These ships, having once escaped from British ports, ever afterwards entered them in every part of the world, to refit, and so to renew their depredations. The consequences of this conduct were most disastrous to the States then in rebellion, increasing their desolation and misery by the prolongation of our civil contest. It had, moreover, the effect, to a great extent, to drive the American flag from the sea, and to transfer much of our shipping and our commerce to the very Power whose subjects had created the necessity for such a change. These events took place before I was called to the administration of the Government. The sincere desire for peace by which I am animated led me to approve the proposal, already made, to submit the questions which had thus arisen between the countries to arbitration. These questions are of such moment that they must have commanded the attention of the great Powers, and are so interwoven with the peace and interests of every one of them, as to have ensured an impartial decision. I regret to inform you that Great Britain declined the arbitrament, but, on the other hand, invited us to the formation of a joint commission to settle mutual claims between the two countries, from which those for the depredations beforementioned should be excluded. The proposition, in that very unsatisfactory form, has been declined.

The United States did not present the subject as an impeachment of the good faith of a Power which was professing the most friendly dispositions; but as involving questions of public law, of which the settlement is essential to the peace of nations; and, though pecuniary reparation to their injured citizens would have followed incidentally on a decision against Great Britain, such compensation was not their primary object. They had a higher motive, and it was in the interests of peace and justice to establish important principles of international law. The correspondence will be placed before you. The ground on which the British Minister rests his justification is substantially, that the municipal law of a nation, and the domestic interpretations of that law, are the measure of its duty as a neutral; and I feel bound to declare my opinion, before you and before the world, that that justification cannot be sustained before the tribunal of nations. At the same time I do not advise any present attempt at redress by acts of legislation. For the future, friendship between the two countries must rest on the basis of mutual justice.

### COUNSELS' OPINION ON THE JAMAICA MATTER.

THE following case has been submitted, on behalf of the Committee, to Mr. Edward James, Q. C., M. P., and Mr. J. Fitz-James Stephen, who have given the subjoined opinion.

#### CASE.

(*Ex-parte the Jamaica Committee.*)

"The Committee desires to be advised what steps are open to them to assist their fellow-subjects in Jamaica to obtain the protection of the law; and if the law has been broken, to bring the guilty parties to justice; and also what steps are open to them as Englishmen to vindicate constitutional law and order, if constitutional law and order have been illegally set aside by the local government in Jamaica.

"With this are sent copies of the despatch from Governor Eyre to Mr. Secretary Cardwell, of the 20th October 1865, and also of the address of the Governor to the Jamaica House of Legislature at the annual meeting which took place on the 7th of November. Copies are also sent of such reports of the military officers as have appeared in the papers.

"Considering for the present nothing but these official documents, and taking for granted that the statements they contain are all true, counsel is requested to advise: 1. What is the meaning of the term martial law, and what is the legal effect of a proclamation of martial law? 2. Are these grounds for concluding that Governor Eyre has acted illegally and criminally in the mode in which he states that he has proclaimed and enforced martial law, and especially in removing the Hon. G. W. Gordon from Kingston to Morant Bay, and there handing him over to Brigadier-General Nelson to be tried by court-martial? 3. Could Mr. Gordon be legally convicted and punished by court-martial for any act done prior to the proclamation of martial-law, or for any act done beyond the boundaries of the proclaimed district?

4. Are officers acting in enforcing martial law exempt from all control beyond the instructions they receive from their superior officers? if not, are there any principles acknowledged by martial law, or by the British constitution, which would render it illegal (a) to continue for several days shooting down men, and flogging men, women, and children, and burning their habitations, in the absence of any appearance of organized resistance; (b) to inflict punishment without or before trial; (c) to inflict punishment for the purpose of obtaining evidence; (d) to inflict death for or on the evidence of looks or gestures? 5. In case Governor Eyre or his subordinate officers have been guilty of illegal acts in the course of the late proceedings in Jamaica, what are the proper modes of bringing them to trial for such illegal acts? 6. Are any, and if any, what proceedings for the above purpose open to private persons in this country? 7. The last question has been accidentally omitted from this version of the case; but it has reference to a bill of indemnity if one should be passed by the Jamaica legislature."

#### OPINION,

"The questions asked in this case all depend more or less upon the general question, What is the nature of martial law, and what power does it confer? We will therefore state our view of this subject, before answering the specific questions asked, and we must do so at some length on account both of the importance and the obscurity of the subject. The expression 'martial law' has been used at different times in four different senses, each of which must be carefully distinguished from the others. 1. In very early times, various systems of law co-existed in the country, as the common law, the ecclesiastical law, the law of the Court of Admiralty, &c. One of these was the law martial, exercised by the constable and marshal over troops in actual service, and especially on foreign service. As to this, see an *Essay on the Laws of War*, by Professor Montague Bernard, in the *Oxford Essays* for 1856. 2. The existence of this system in cases of foreign service or actual warfare, appears to have led to attempts on the parts of various sovereigns to introduce the same system in times of peace on emergencies, and especially for the punishment of breaches of the peace. This was declared to be illegal by the Petition of Right, as we shall show more fully immediately. (See *Hallam's Constitutional History*, p. 240, v. i., 7th edition, ch. v., near the beginning.) 3. When standing armies were introduced, the powers of the constable and marshal fell into disuse, and the discipline of the army was provided for by annual mutiny acts, which provide express regulations for the purpose. These regulations form a code, which is sometimes called martial, but more properly military law (Grant and Gould, 2 H. Blackstone, 69.) 4. Although martial law in sense (1) is obsolete, being superseded by military law; and in sense (2) is declared by the Petition of Right to be illegal, the expression has survived, and has been applied, as we think inaccurately and improperly, to a very different thing, namely, to the common law right of the crown and its representatives to repel force by force in the case of invasion or insurrection. We

shall proceed to develop and illustrate this view of this subject.

"The provisions of the Petition of Right on Martial Law (3 chap. i. c. 1) are contained in ss. 7, 8, 9, 10. These sections recite that commissions under the great seal had lately been issued to certain persons to proceed in particular cases 'according to the justice of martial law'; and that thereby persons had been put to death who, if deserving of death, ought to be tried in the ordinary way, whilst others, pleading privilege, had escaped. Such commissions are then declared to be illegal; and it is provided that henceforth no commissions of like nature may issue forth to any person or persons whatsoever.

The commissions themselves explain the nature of the system which the Petition of Right prohibited. Three, which were issued shortly before it passed, are given in 17 *Rymer's Fœdera*, pp. 43, 246, 647. They are dated respectively 24th November 1617; 20th July 1620; 30th December 1624. The first is a commission to certain persons for the government of Wales, and the counties of Worcester, Hereford, and Shropshire. It directs them to call out the array of the county, and then proceeds to direct them to lead the array: 'As well against all and singular our enemies, as also against all and singular rebels, traytors, and other offenders and their adherents, against us our crowne and dignitie within the said principalltie and dominions of North Wales and South Wales, the marches of the same and counties and places aforesaid, and with the said traytors and rebels from tyme to tyme to fight, and them invade, resist, suppress, subdue, slay, kill, and put to execution of death, by all ways and means, from tyme to tyme by your discretion; and further to doe, execute, and use against the said enemies, traytors, rebels, and such other like offenders and their adherents afore-mentioned from tyme to tyme as necessitie shall require by your discretion, the law called the martial lawe according to the law martiall, and of such offenders apprehended or being brought in subjection, to save whom you shall think good to be saved, and to slay, destroye, and put to execution of death, such and as many of them as you shall think meete, by your good discretion, to be put to death.'

"The second empowers Sir Robert Maunsell to govern the crews of certain ships intended for the suppression of piracy, and gives him 'full powers to execute and take away their life, or any member, in form and order of martiall law.' The third is a commission to the Mayor of Dover, and others, reciting that certain troops, then at Dover, were licentious, and empowering them 'to proceed according to the justice of martial law against such soldiers within any of our lists aforesaid, and other dissolute persons joining with them or any of them, as during such time as any of our said troops or companies of soldiers shall remain or abide there, and not be transported thence, shall, within any of the places or precincts aforesaid, at any time after the publication of this our commission, commit any robberies, felonies, mutinies, or other outrages or misdemeanors, which by the martial law should or ought to be punished with death, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of

war, to proceed to the trial and condemnation of such delinquents and offenders, and them cause to be executed and put to death according to the law martial, for an example of terror to others, and to keep the rest in due awe and obedience.'

"The distinctive feature of all these commissions is, that they authorise not merely the suppression of revolts by military force, which is undoubtedly legal, but the subsequent punishment of offenders by illegal tribunals, which is the practice forbidden by the Petition of Right. In illustration of this we may compare the proceedings described in Governor Eyre's despatch with the course taken by a lieutenant-general and his provost-martial in the reign of Queen Elizabeth, under one of the commissions declared to be illegal by the Petition of Right. In 1569, the Earls of Northumberland and Westmoreland had risen and besieged and taken Barnard Castle, and committed other acts of open treasonable warfare. The rising took place and was suppressed in the course of the month of December. The Earl of Sussex received from the Queen a commission evidently similar to the one cited, and appointed Sir George Bower his provost-marshal. Sir George Bower made a circuit through Durham and Yorkshire between the 2nd and 20th of January 1569, and executed at various places 600 persons. (*Sharpe's Memorial, of the Rebellion*, No. 1569, pp. 99, 113, 121, 133, 140, 143, 153, 163.)

"It appears from Governor Eyre's despatch, passing by earlier portions, which contain instances of acts done by the so-called courts-martial, susceptible perhaps of a construction different from those which follow, that at day-break on Monday, the 16th October, (paragraph 41,) the last definite act of violence mentioned having taken place on the 15th, (see paragraph 33,) a court-martial sat to try prisoners, and twenty-seven were found guilty and hung. By the 18th (paragraph 55) many rebels had been captured. and several courts-martial had been held, and capital punishment inflicted. On the 19th (paragraph 57) all was going on well in camp, more rebels had been captured or shot. Afterwards, on the 23rd of October, Mr. Gordon was hung. As Governor Eyre mentioned no acts of violence subsequent to that above referred to, it would appear that these executions were punishments for past offences, and no acts required for the suppression of open insurrection. The measures adopted thus resemble those taken by Sir George Bower in 1569, under the authority of the commission declared illegal by the Petition of Right. As to the legal character of such punishments Lord Coke observes, (3rd Inst. c. 7, p. 52), 'If a lieutenant or other that hath commission of martial authority in time of peace, hang or otherwise execute any man by colour of martial law, this is murder; for this is against Magna Charta, c. 29.'—(See, too, *Hale, Hist. C. L.*, 34.) These authorities appear to shew that it is illegal for the Crown to resort to martial law as a special mode of punishing rebellion.

"We now proceed to consider the authorities which look in the other direction. In 1799, an Act of the Irish parliament (39 Geo. III. cap. 11) was passed, the effect of which was to put the parts of the country which were still in rebellion under military command, according to a



system therein described. The preamble states that the rebellion had been already suppressed, and it sets forth that on the 24th of May 1798 Lord Camden did, by and under the advice of the privy council, issue his orders to all general officers commanding His Majesty's forces, to punish all persons acting, ordering, or in any way assisting in the said rebellion, according to martial law, either by death or otherwise, as to them should seem expedient, and did by his proclamation of the same date ratify the same. It further goes on to recite, that 'by the wise and salutary exercise of His Majesty's undoubted prerogative in executing martial law, for defeating and dispersing such armed and rebellious force, and in bringing divers rebels and traitors to punishment in the most speedy and summary manner, the peace of the kingdom has been so far restored as to permit the course of the common law partially to take place,' &c. And in the body of the Act (section 6) there is contained a proviso that 'nothing in this Act shall be construed to abridge or diminish the undoubted prerogative of His Majesty for the public safety to resort to the exercise of martial law against open enemies or traitors.'

"It is impossible to suppose that such a declaration as this should operate as a repeal of the Petition of Right as regarded Ireland, though the language of the two Acts appears to be conflicting. As, however, it merely declares an 'undoubted prerogative of the Crown,' it cannot refer to what the Petition of Right expressly denied to exist, and therefore it must probably be construed to mean only that the Crown has an undoubted prerogative to attack an army of rebels by regular forces under military law, conducting themselves as armies in the field usually do. This construction is strengthened by the fact that traitors are coupled with open enemies. Now, the force used against an invading army is used for the purpose not of punishment but of conquest, and thus the words in the Irish Act would mean only that the Crown has an undoubted prerogative to carry on war against an army of rebels, as it would against an invading army, and to inflict upon them such punishment as might be necessary to suppress the rebellion, and restore the peace, and to permit the common law to take effect.

"As soon, however, as the actual conflict was at an end, it would be the duty of the military authorities to hand over their prisoners to the civil powers. This was affirmed by the case of Wolfe Tone, who, having been captured when the French surrendered, was sent up to the Dublin barracks, tried by a court-martial, and sentenced to death. The Court of Queen's Bench immediately granted a Habeas Corpus, and directed the sheriff to take into custody the provost-marshal and other officers in charge, and to see that Mr. Tone was not executed. (27 St. Tr., 624-5.) No doubt many military executions took place during the Irish rebellion, but an act of indemnity was passed in respect to them, and it must also be remembered, that by the laws of war (which are a branch of morals rather than of law proper, and prevail not over soldiers, but as between contending armies) many severities may be justified, such as the refusal of quarter, and the putting to death of soldiers who surrender at discretion; and thus,

in a war like that in 1798, much might be done which might pass under the name of martial law, but which in reality would be no more than incidents of ordinary warfare conducted with unusual rigour.

"Another argument is drawn from the annual Mutiny Acts. They contain a declaration that 'no man can be forejudged of life or limb, or subjected to any punishment within this realm by martial law in time of peace. This has been construed to imply that in times of war or disturbance martial law is legal. As to this, however, it must be remembered that in its original meaning, the phrase 'martial' law included what we now understand by military law, and that one principal object of the commissions declared to be illegal by the Petition of Right, was the creation of military tribunals without parliamentary authority. Hence the words 'in peace,' which were not in the first Mutiny Act, probably mean that standing armies and military courts were in time of peace illegal, except in so far as they were expressly authorised by parliament. The whole doctrine of martial law was discussed at great length before a Committee of the House of Commons, which sat in the year 1849 to inquire into certain transactions which had taken place at Ceylon. Sir David Dundas, then Judge-Advocate-General, explained his view on the subject at length, and was closely examined upon it by Sir Robert Peel, Mr. Gladstone, and others. The following answers, amongst others, throw much light on the subject:—5437. The proclamation of martial law is a notice to all those to whom the proclamation is addressed, that there is now another measure of law and another mode of proceeding than there was before that proclamation. 5459. If a governor fairly and truly believes that the civil and military power which is with him, and such assistance as he might derive from the sound-hearted part of the Queen's subjects, is not enough to save the life of the community and to suppress the disorder, it is his duty to suppress by this (*i.e.* by martial law) or any other means. 5476. (Sir Robert Peel.) A wise and courageous man, responsible for the safety of a colony, would take the law into his own hands and make a law for the occasion, rather than submit to anarchy.—A. I think that a wise and courageous man would, if necessary, make a law to his own hands, but he would much rather take a law which is already made—and I believe the law of England is, that the governor (like the Crown) has vested in him the right, where the necessity arises, of judging of it, and being responsible for his work afterwards, so to deal with the laws as to supersede them all, and to proclaim martial law for the safety of the colony. 5477. (In answer to Mr. Gladstone) I say he is responsible, just as I am responsible for shooting a man on the King's highway who comes to rob me. If I mistake my man, and have not, in the opinion of the judge and jury who try me, an answer to give, I am responsible. 5506. My notion is, that martial law is a rule of necessity, and that when it is executed by men empowered to do so, and they act honestly, rigorously, and vigorously, and with as much humanity as the case will permit in dis-

charge of their duty, they have done that which good citizen is bound to do.

"Martial law has accordingly been proclaimed in several colonies, viz. at the Cape of Good Hope, in Ceylon, in Jamaica, and in Demerara.

"The views thus expressed by Sir David Dundas appear to us to be substantially correct. According to them the words 'martial law,' as used in the expression proclaiming martial law, might be defined as the assumption, for a certain time, by the officers of the Crown, of absolute power exercised by military force for the purpose of suppressing an insurrection or resisting an invasion. The 'proclamation' of martial law in this sense would be only a notice to all whom it might concern that such a course was about to be taken. We do not think it is possible to distinguish martial law, thus described and explained, from the common law duty which is incumbent on every man, and especially on every magistrate, to use any degree of physical force that may be required for the suppression of a violent insurrection, and which is incumbent as well on soldiers as on civilians, the soldiers retaining during such service special military obligations. (On this subject see Lord Chief Justice Tyndal's charge to the grand jury of Bristol in 1832, quoted in 1 Russ. on Cr. 286 n.). Thus, for instance, we apprehend that if martial law had been proclaimed in London in 1780, such a proclamation would have made no difference whatever in the duties of the troops or the liabilities of the rioters. Without any such proclamation the troops were entitled, and bound to destroy life and property to any extent which might be necessary to restore order. It is difficult to see what further authority they could have had, except that of punishing the offenders afterwards, and this is expressly forbidden by the Petition of Right.

"We may sum up our view of martial law in general in the following propositions: 1. Martial law is the assumption by the officers of the Crown of absolute power, exercised by military force, for the suppression of insurrection and the restoration of order and lawful authority. 2. The officers of the Crown are justified in any exertion of physical force, extending to the destruction of life and property to any extent, and in any manner that may be required for this purpose. They are not justified in the use of excessive or cruel means, but are liable civilly or criminally for such excess. They are not justified in inflicting punishment after resistance is suppressed, and after the ordinary courts of justice can be re-opened. The principle by which their responsibility is measured is well expressed in the case of *Wright v. Fitzgerald*, 27, *St. N.* p. 65. M. Wright was a French master, of Clonmel, who, after the suppression of the Irish rebellion, in 1798, brought an action against Mr. Fitzgerald, the sheriff of Tipperary, for having cruelly flogged him without due inquiry. Martial law was in full force at that time, and an act of indemnity had been passed to excuse all breaches of the law committed in the suppression of the rebellion. In summing up, Justice Chamberlain, with whom Lord Yelverton agreed, said: 'The jury were not to imagine that the legislature, by enabling magistrates to justify under the Indemnity Bill, had released them from the feelings of

humanity, or permitted them wantonly to exercise power, even though it were to put down rebellion. They expected that in all cases there should be a grave and serious examination into the conduct of the supposed criminal, and every act should show a mind to discover guilt, not to inflict torture. By examination or trial he did not mean that sort of examination and trial which they were now engaged in, but such examination and trial—the best the nature of the case and existing circumstances should allow of. That this must have been the intention of the Legislature was manifest from the expression, 'magistrates and all other persons,' which provide that as every man, whether magistrate or not, was authorised to suppress rebellion, and was justified by that law for his acts, it is required that he should not exceed the necessity which gave him the power, and that he should shew in his justification that he had used every possible means to ascertain the guilt which he had punished; and, above all, no deviation from the common principles of humanity should appear in his conduct.' M. Wright recovered 500*l.* damages; and when Mr. Fitzgerald applied to the Irish Parliament for an indemnity, he could not get one. 3. The courts-martial, as they are called, by which martial law in this sense of the word is administered, are not, properly speaking, courts-martial at all. They are mere committees, formed for the purpose of carrying into execution the discretionary power assumed by the Government. On the one hand, they are not obliged to proceed in the manner pointed out by the Mutiny Act and Articles of War. On the other hand, if they do so proceed, they are not protected by them as the members of a real court-martial might be, except in so far as such proceedings are evidence of good faith. They are justified in doing, with any forms, and in any manner, whatever is necessary to suppress insurrection and to restore peace and the authority of the law. They are personally liable for any acts which they may commit in excess of that power, even if they act in strict accordance with the Mutiny Act and Articles of War. Such in general we take to be the nature of martial law.

"We now proceed to examine the act of the Jamaica Legislature under which Governor Eyre appears to have acted, as we presume regularly. The Act is 9 Vict., cap. 30, and is a consolidation of the laws relating to militia. The sections bearing on the subject of martial law are as follows: Sec. 95 constitutes a body called a council of war; sec. 96 is in these words: 'And whereas the appearance of public danger, by invasion or otherwise, may sometimes make the imposition of martial law necessary, yet, as from experience of the mischief and calamities attending it, it must ever be considered as one of the greatest of evils: Be it therefore enacted, that it shall not in the future be declared or imposed, but by the opinion and advice of a council of war, consisting as aforesaid, and that at the end of thirty days from the time of such martial law being declared, it shall, *ipso facto*, determine, unless continued by the advice of a council of war as aforesaid.' Sec. 97 empowers the governor, with such advice as aforesaid, to declare particular districts to be under martial law, and to except others. Sec. 117 says that 'This Act

shall continue to be in force notwithstanding and during martial law.' It is a grave question whether this Act be considered to confer upon Governor Eyre any other power than he already possessed at common law, the Act itself would be valid. The powers of the Jamaica Legislature are derived, not from Parliament, but from Royal Commission. As the Crown cannot authorise legislation inconsistent with the law of England, it could not authorise the Jamaica legislature to confer upon the Governor or any one else powers inconsistent with the provisions of the Petition of Right. It is, indeed, provided by 28 and 29 Vict., cap. 63, secs. 1, 2, and 3, that no colonial law shall be deemed to be void on the ground of repugnancy to the law of England, unless it is repugnant to the provisions of any Act of Parliament applicable to any such colony by express words or necessary intendment. We apprehend, however, that if the Act of the Jamaica legislature be construed as authorising or recognising any thing declared illegal by the Petition of Right, it is repugnant to a provision of an Act of Parliament extending by necessary intendment to the colony of Jamaica. It appears, however, that the Act does not create any new power, but only limits the existing power, and provides regulations under which it is to be exercised. It provides that the governor shall not proclaim martial law without the advice and consent of a council of war, constituted in a certain way, and that when proclaimed it shall expire *ipso facto* in thirty days. It also provides that its operation may be limited (as in the present case it was) to certain districts.

"We now proceed to the consideration of the specific questions contained in the case. 2 and 3. The legality of the conduct pursued towards Mr. Gordon depends, according to the principles stated above, on the question whether it was necessary for the suppression of open force, and the restoration of legal authority, to put him to death. We see nothing whatever in Governor Eyre's despatch which affords any ground for thinking that such could have been the case. The fact that Kingston was exempted from martial law shews conclusively, as against Governor Eyre, that in his opinion no necessity for the assumption of arbitrary power existed then and there. The fact that Mr. Gordon was in lawful custody shews that he was at all events disabled from doing further mischief, however guilty he might previously have been. It would perhaps be too much to say that no conceivable state of things could justify the treatment which he received, but no such facts are mentioned in Governor Eyre's despatch. As to the legal powers of the officers sitting as a court-martial at Morant Bay, we are of opinion that they had no powers at all as a court-martial, and that they could justify the execution of Mr. Gordon only if and in so far as they could shew that that step was immediately and unavoidably necessary for the preservation of peace and the restoration of order. They had no right whatever to punish him for treason, even if he had committed it. Their province was to suppress force by force, not to punish crime. 4. This question is answered in our introductory observations. Cases might be imagined in which some of the acts specified might be justified. In a case, for instance,

where the loyal part of the population were (as in the case of the Indian mutiny) greatly outnumbered by a rebellious population, measures of excessive severity might be absolutely essential to the restoration of the power of the law; but this would be a case not of punishment but self-preservation. No facts stated in Governor Eyre's despatch appear to us to shew any sort of reason for such conduct in Jamaica. 5. They may be indicted in Middlesex, under the provisions of 42 Geo. III., c. 35. See, too, 24 and 25 Vic., c. 100, s. 9. They may also be impeached in Parliament. 6. Any person in this country may prefer a bill of indictment. 7. This is a question of great difficulty. As Governor Eyre's consent would be necessary to such an Act, and as he could not pardon himself, we are inclined to think that such an Act would be no answer to an indictment in England. Besides this, if Governor Eyre has committed any crime at all, it is a crime against the law of England. Whilst governor, he could not be made criminally responsible in Jamaica ('*Mostyn v. Fabrigas*,' 1 Smith's Leading Cases, p. 543, 4th ed.) It is not competent to the legislature of Jamaica to pardon crimes committed against the laws of England.

"To obviate all difficulty, we should advise that if such an Act were passed, a petition should be presented to Her Majesty, praying her to refer to the Judicial Committee of the Privy Council the question whether the Act ought to be disallowed, and that the petitioners might be permitted to shew cause by counsel why it should be disallowed. Unless and until they are disallowed by the Queen, the Acts of the Jamaica legislature are valid.

(Signed) "EDWARD JAMES.

"J. FITZ-JAMES STEPHEN.

"Temple, Jan. 13, 1865."

#### THE JAMAICA COMMISSION.

WE here place on record the names of the gentlemen who constitute the Royal Commission which has been sent out to Jamaica, for the purpose of inquiring into the circumstances connected with the recent events there.

Lieutenant Strahan is Sir Henry's Aide-de-camp, and Colonel Walpole his Military Secretary. The Secretary to the Commission is Mr. Charles Savile Roundell, a nephew of the Attorney-General, Sir Roundell Palmer; and the other Commissioners are Russell Gurney, Esq., M.P., Q.C., and Recorder of the City of London, and John Blossett Maule, Esq., Recorder of Leeds.

In addition to the foregoing gentlemen, John Gorrie, Esq., Barrister, of the Scotch bar, and one of the Honorary Advocates Député for the Kingdom of Scotland; and John Horne Payne, Esq., Barrister, of the Northern Circuit, have gone out for the Jamaica Committee; to whom has been added, conditionally on behalf of the same Committee, and specially on that of the *British and Foreign Anti-Slavery Society*,



John Morgan, Esq., Solicitor, of Birmingham, a gentleman most admirably qualified for the special duties he may have to undertake.

The Society of Friends have also sent out their Commission of Inquiry, consisting of Thomas Harvey, Esq., of Leeds, the companion of the late Joseph Sturge, in his tour through the West Indies in 1837, and William Brewin, Esq., of Cirencester; than whom worthier representatives of this benevolent body could not be found for so important a work as the one before them.

These gentlemen sailed in the following order :

Sir Henry Storks, Charles Savile Roundell, and Jno. Gorrie, Esqrs., Dec. 18, 1865. Russell Gurney, Esq., John Blossett Maule, Esq., John Horne Payne, Esq., and Lieut. Strahan, January 2, 1866. Thomas Harvey, William Brewin, and William Morgan, Esqrs., January 17th.

The following is the text of the "commission" under which Sir Henry Storks will act, as Governor and Chief Commissioner.

THE GOVERNORSHIP OF JAMAICA.  
(From the *Gazette* of the 11th Dec.)

*Downing Street, Dec. 12.*

At the Council, held at Windsor, on Monday, the 11th inst., Her Majesty was pleased to approve of the subjoined draft of a commission for the temporary appointment of Sir Henry Knight Storks, G.C.B., G.C.M.G., as Governor of the Island of Jamaica during the prosecution of certain inquiries therein mentioned :

Draft of a commission to be passed under the Great Seal appointing Sir Henry Knight Storks, G.C.B., G.C.M.G., to be Captain-General and Governor-in-Chief in and over the Island of Jamaica, and the territories depending thereon.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith: To our trusty and well-beloved Sir Henry Knight Storks, Knight Grand Cross of our most honourable Order of the Bath, Knight Grand Cross of our most distinguished Order of St. Michael and St. George, Governor and Commander-in-Chief of our Island of Malta and its dependencies, a major-general in our army, having the local rank of lieutenant-general while in command of our troops in Malta and its dependencies, greeting. 1. Whereas we did, by our commission under the great seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the twenty-ninth day of July, One thousand eight hundred and sixty-four, in the twenty-eighth year of our reign, constitute and appoint our trusty and well-beloved Edward John Eyre, Esquire, to be our Captain-General and Governor-in-Chief in and over our Island of Jamaica, and the territories depending thereon, during our will and pleasure, as by the said recited commission, relation being thereunto had, may more fully and at large appear. And we did by our said commission make provision for the government of our said island

in the event of the death, incapacity, or absence of him, the said Edward John Eyre, but no provision was therein made for the government of our said island by any other person than the said Edward John Eyre during his presence therein. And whereas it is alleged that great disaffection hath prevailed in our said island, and that sundry evil-disposed persons have concerted the destruction of other our subjects resident therein. And whereas grievous disturbances have broken out in our said island, and have been suppressed, and the said disturbances and suppression have been attended with great loss of life, and it is alleged that excessive and unlawful severity has been used in such suppression; and whereas it greatly concerns us that full and impartial inquiry should be made into the origin, nature, and circumstances of the said disturbances, and with respect to the measures adopted for the suppression of the same; and whereas it may be advisable that the said Edward John Eyre should be present in our said island during the whole, or part, of the said inquiry, but it is requisite for the sufficiency of the said inquiry that the powers vested in him as governor of our said island should not be exercised by him while so present therein, but should during the prosecution of the said inquiry, and for such further time as may seem to us requisite, be vested in such other person as we may think fit. Now know you that to have revoked and determined, and by these presents do revoke and determine from and after the time when public notice hereof shall be given by proclamation or otherwise in our said island, and thenceforth until we shall think fit to determine these presents, so much of the said recited commission as did constitute and appoint the said Edward John Eyre to be our Captain-General and Governor-in-Chief over our said Island of Jamaica and its dependencies; and further know you that we, reposing especial trust and confidence in the prudence, courage, and loyalty of you the said Sir Henry Knight Storks, of our especial grace, certain knowledge, and mere motion, have thought fit to constitute and appoint, and do by these presents constitute and appoint you to be our Captain-General and Governor-in-Chief in and over our said Island of Jamaica, and the territories depending thereon, and also of all forts and garrisons erected and established, or which shall be erected and established within the same, for, and during our pleasure. And we do hereby authorize, empower, and command you, while these presents remain in force, to do and execute all things in due manner that shall belong to your said command, and to the trust we have reposed in you, according to the several powers and authorities granted or appointed to him the said Edward John Eyre by our aforesaid commission, and by our instructions under our sign manual and signet therewith given him, and according to such further powers, directions, and authorities as have been or shall at any time hereafter be granted or appointed him or you under our sign manual and signet, or by our order in our Privy Council, or by us through one of our principal Secretaries of State, and according to such reasonable laws and statutes as are now in force, or as shall be hereafter made and agreed upon by you, by and with

the advise and consent of the Legislative Council and Assembly of our said island. And we declare our pleasure to be that, except in respect to the appointment of the said Edward John Eyre, the afore-mentioned commission, and all instructions heretofore issued to the said Edward John Eyre, under our sign manual and signet, or by our order in council, or by us through one of our principal Secretaries of State, and all appointments, nominations, and dispositions made by or by virtue of such commission or instructions, shall remain in full force and effect. 2. And we do hereby require and command all officers, ministers, civil and military, and all other the inhabitants of our said island, and the territories depending thereon, to be obedient, aiding and assisting unto you or to the officer administering the government for the time being in the execution of this our commission, and of the powers and authorities herein contained.

#### FRIENDLY ADDRESS TO SPANISH LADIES.

We subjoin a translation of the text of an Address from the French Ladies' Freedmen's-Aid Association, to the Ladies of Madrid, which was read, with others, mentioned in our last, at the Anti-Slavery Meeting held in that city, on the 10th December ult.

FRENCH LADIES' FREEDMEN'S-AID ASSOCIATION.  
AFFECTIONATE ADDRESS OF THE FRENCH LADIES' FREEDMEN'S-AID SOCIETY TO SPANISH LADIES INTERESTED IN THE ABOLITION OF SLAVERY.

WHEN, seven months ago, the "National Freedmen's-Aid Association of New York" made an appeal to us, we replied by following their example, and forming among ourselves a Society for sending help to the emancipated slaves.

We are rejoiced to learn that a similar movement is taking place among you, and we are anxious to express our sincere and cordial sympathy. The object of our Society is not only to assist the suffering and raise the oppressed, but also, and above all, to proclaim the idea of eternal justice so indignantly wronged by the institution Slavery.

It is this idea which gives a perfectly universal character to our work, and makes us feel, in spite of distance, the reality of the bond which unites us.

In all noble causes, may the famous expression in our history become realized!

"There are no longer any Pyrenees."

(Il n'y a plus de Pyrénées).

(Signed)

V. Laboulaye, B. D. A. Cechin, E. de Presensé, C. Coignet, L. Laure, E. Yung, J. Cantagarel, Coquerel (mère) M. Paumier, Aimée Benque, F. Grandpierre, A. Monod, A. Armand, A. Jackson, L. Armand de Lille, M. Lemaitre, M. Bersier, E. Dhombres, N. Monod, E. Dessirier, — Goguel, — Vernes, C. M. Sunderland, Pauline Coquerel, — Crémieux, — Cohen, — Isidore, L. Bocca, H. Monsallier, M. Dowling, H. Coignet, Clorinde Brissou, M. Martin, — Paschoud, E. Campbell, E. Fisch, E. Jules Simon, Ch. Meyruet, J. Calame, M. Emerson, S. Pick, &c. &c.

## The Anti-Slavery Reporter.

MONDAY, FEBRUARY 15, 1866.

### SPECIAL NOTICE TO FRIENDS AND SUBSCRIBERS.

It is our custom, at this time of the year, to remind our supporters that their Annual Contributions to the funds of the *British and Foreign Anti-Slavery Society* fall due on the 1st of January. We issued, in our last number, our usual notice, which we would seek, on the present occasion, to render urgent, in view of the large expenditure entailed upon us in consequence of the action we felt it to be our duty to take in relation to the terrible events in Jamaica.

Without assuming undue credit for the great change which has been effected in public opinion—by what agency soever alleged to have been brought about—we may dwell a moment on the fact, that we were the first to direct public attention to certain facts which have since become most prominent features in the discussions that have taken place; that if the agitation we rejoice in having promoted, and which culminated in the unprecedentedly large and influential deputation to Ministers, on the 9th of December, did not stimulate their sense of justice, to institute inquiry and to suspend Governor Eyre, it cannot be truthfully denied that it strengthened their hands; and we may add, that its continuation—if found necessary—will greatly encourage them in the right course.

With respect to the inquiry now proceeding under the Royal Commission, we felt that its success, for the ends of justice, would materially depend upon the vigilance of those who are interested for the negro side of the case, and that, in addition to the Special Commission issued by the Society of Friends—so admirably represented by Thomas Harvey and William Brewin—it was of vital importance to send out a Special Correspondent, who should also be competent to assist the legal gentlemen representing the Jamaica Committee. Our choice fell upon Mr. William Morgan, Solicitor, of Birmingham, but we found our finances would not permit us to incur the bare expenses of even so valuable a coadjutor. Fortunately, though at the eleventh hour, we were encouraged to proceed, by offers of pecuniary support, and we have the gratification of announcing that Mr. Morgan sailed by the "La Plata," on the 17th ult., with his friends Messrs. Harvey and Brewin. We shall probably feel it necessary to give the widest circulation to the information he may send us, in the form of tracts and papers, so that further and heavy demands

upon our resources will inevitably be made. To meet them, and the requisite expenses of Mr. Morgan's mission, we feel under the necessity of urging our supporters, not only to forward their own annual contributions, without delay, but to promote additional subscriptions and donations to our funds, specially for the object above stated.

All subscribers to the amount of Ten Shillings annually are entitled to receive, post-free, a copy of the *Anti-Slavery Reporter*, and of any tract or pamphlet issued by the Society. To non-subscribers, the *Reporter* is sent on payment of Four Shillings in advance, commencing on the 1st of January. Payments should be made to the Secretary, L. A. Chamerovzow, either in stamps or by Post-office Order, made payable at the Post-office, Bishopsgate Street, E.C., London.

We are gratified to be able to publish a preliminary list of "Special Subscriptions for the Jamaica Matter," which are mainly due to the spontaneous generosity of the friends whose names are appended.

## SPECIAL CONTRIBUTIONS.

	DONS.	SUBS.
	£ s.	£ s.
William Pollard, Hertford .	50 0	
Robert Charleton, Bristol .	50 0	
Thomas C. Ryley, Wigan .	20 0	
Richard Peek, Hazelwood .	10 10	
Mr. Rainey, Temple .	10 10	
Charles Cheetham, Haywood .	10 0	
Septimus P. Moore, Haver-		
stock hill .	5 0	
Mrs. Moore, ditto .	5 0	
Samuel Fox, Nottingham .	5 0	
Frederick Tuckett, London .	5 0	
James Procter, Brighton .	5 0	
Joseph Cooper, London .	10 0	
George Borwick, Walthamstow .	5 0	
The Rev. Wm. Arthur .	5 0	
Stafford Allen, Stoke Newington .		2 2
Edward Miles, Liverpool street .	2 2	
Ebenezer West, Caversham hall .	2 2	
William Holmes, London .	2 0	
Lewis Bellott, Barnsbury .	2 0	
George Dornbusch, South-Sea		
house .		1 1
George Burney, Millwall .		1 1
Stammers Bligh, Whitechapel .	1 0	
Dr. John Epps, Bloomsbury .	1 0	
Mons. V. Schœlcher .	1 0	
Rev. E. Hopple, South Shields .		0 10
Mr. Croscob, Kingsland green .	0 10	
Mr. Allbrook, Hackney .		0 10
Rev. Mr. Hill, Finchley .		0 10
J. W. Raffle, Pimlico .		0 10

COLLECTED BY ARTHUR ALBRIGHT,  
BIRMINGHAM.

Arthur Albright .	10 0
George Baker .	10 0
John Edward Baker .	10 0
William Middlemore .	10 0
Thomas Adams .	10 0

John Cropper, Liverpool .	10 0
George Smithson .	10 0
Edmund Sturge .	10 0
William Nutter .	5 0
John Edward Wilson .	5 0
Charles Sturge .	5 0
Rebecca Hutchinson .	2 0
George Barrow .	2 0
John R. Seekings .	1 0

## OUR SPECIAL JAMAICA CORRESPONDENT.

IN the foregoing editorial, we advert to the appointment of Mr. William Morgan as Special Correspondent of the Committee of the *British and Foreign Anti-Slavery Society*. It will interest our friends to know what instructions he received; we therefore append them, as unanimously adopted at a Special Meeting of the Committee held on the 31st ult., and confirmed at the General Meeting of the same body on the 2nd of the current month.

## GENERAL LETTER OF INSTRUCTIONS.

"In the very short time which remained between the offer and the acceptance of your services for the Jamaica Inquiry, and your prompt embarkation at Southampton, it was not possible for the Committee to give you their views as to those points to which such investigation should be chiefly directed.

"The Committee entertain the hope that, with the Government Commission on the one hand, and the exertions of those legal gentlemen who represent the Jamaica Committee on the other, the vindication of the principles of the British Constitution and of British law will now be amply secured. It is possible, however, that the latter may require your services, in which case it will be the wish of the Committee, as it will be yours, that they be heartily and promptly accorded. The inquest on the frightful homicides in St. Thomas-in-the-East, will be the most imperfect and unsatisfactory in its character, unless by something like a local census and collation of the returns with the registers of that and the adjoining parishes, each of the victims be, as far as possible, accounted for, with the circumstances under which they were put to death. For such a work, in the face of the obstacles which may be interposed by the local authorities, it is considered that your assistance will be most valuable, if such aid be not already provided.

"The Committee, however, are of the opinion that the primary and most important object of your attention should be the investigation of those legislative, and perhaps still more those administrative evils, against which this Committee have for a long course of years so frequently and so earnestly protested, and which have drifted on to the present wreck of the social and industrial condition of the island.

"For, bad and downward as the course of Jamaica legislation has long been, the Committee believe that had it been possible to administer the laws in the temper and spirit of the English stipendiary system, the present widespread and



but too well-founded discontent among the people might have been averted.

"They therefore commend to your special examination the past and present working of the local courts of the island, the extent of their powers, and the character of their decisions; and you will not fail to mark the effect produced in the different districts, according as the laws are justly or unjustly administered.

"The Committee hold that it was a false and fatal economy by which the stipendiary magistrates were withdrawn from the late Slave colonies. Had one-tenth part of the £20,000,000 granted to the slaveholders as an indemnity, been voted to maintain an arrangement for the administration of the law by a magistracy appointed from England, accompanied by a general and, if need were, a stringent system of education, the act of emancipation would not, as now in Jamaica, be ignorantly charged with the present deplorable condition of that island.

"You are already well acquainted with the two gentlemen who are gone with you in the *La Plata*, as a deputation from the Society of Friends. Although their inquiries will be more immediately directed to the means of education and of religious instruction in the island, it may also to a large extent embrace the subjects above mentioned, which claimed the attention of Mr. Harvey, when he accompanied Joseph Sturge in 1837. It is probable they may invite your co-operation in this branch of their inquiries, which the Committee have no doubt you will, as far as possible, cheerfully render.

"The laws which affect the sale, the title, and the tenure of land, as well as those which relate to general, local, and ecclesiastical taxation, in as far as they fall in an unequal and oppressive degree on the negro population, will, of course, not escape your attention. The Committee are well aware that the criminal class, especially that of juvenile delinquents, has of late much increased in Jamaica. Your long experience in connection with the law and practical working of the prisons and reformatory system in England will, the Committee feel assured, enable you to form just views on this subject. Accustomed as you have been to both the difficulties as well as the successes which attend the subject in this country, you will be prepared to estimate correctly the measures which have been enacted to repress the evil, and the value of such remedies as have been, or may be, propounded.

"Your personal acquaintance with many of the oldest and most experienced missionaries in the island will give you access to many special sources of information, and to a knowledge of the habits and feelings of the people in connection with the administration of the law. The great problem at this moment, whether in Jamaica or the Southern States of America, has yet to be solved—how to secure good government, equal law, and general education among antagonistic classes and castes, alike degraded by the habits and instincts of the old Slave system. To this Committee there appears but one solution, viz. that the executive government must be entirely in the hands of men born and bred in an at-

mosphere of liberty; and the sooner the British Government and people take the entire administration of the government and of the law in Jamaica into their own hands, the earlier will be the period when self-government will become at once practicable and beneficial in that unfortunate colony.

"Such are the considerations which the Committee suggest as the more prominent subjects of inquiry; they look forward to the reports you may be able from time to time to furnish with no little interest; and whether they tend to confirm or to modify their views, they will be received and valued as the latest and most careful conclusions of an intelligent and practical observer.

"Signed on behalf of the Committee of the British and Foreign Anti-Slavery Society. January 31st, 1866.

"ROBERT ALSOP,

"(Chairman of the Committee),

"L. A. CHAMEROVZOW,

"(Secretary).

"To William Morgan, Esq.,  
"Kingston, Jamaica."

#### REMARKS ON THE PRESIDENT'S MESSAGE.

THE message which President Johnson has recently addressed to Congress, is without doubt one of the most important, as well as one of the most remarkable, which that assembly has ever listened to. As a state paper it may take rank with the best; it is elevated in tone, and truly representative of the calm dignity of a great people. It also presents features of unusual interest, for it is not only an exposition of the President's policy relative to the reconstruction of the disrupted Union, but a defence of that policy, so sorely assailed at home, and, we believe, much misunderstood abroad. Since it was delivered, two great events have added to its importance. The first is the declaration of the acceptance by the requisite majority of States of the Constitutional Amendment for ever abolishing Slavery throughout the Union; and the second, the framing by the House of Representatives of a Bill conferring the right of suffrage on the coloured population of the District of Columbia. It is now the law of the land, that Slavery shall never more be permitted to exist in any State of the Union. And in the District of Columbia, the negro race at once enters upon the exercise of the first of constitutional privileges. We rejoice to record that the legal abolition of Slavery was dwelt upon in the speech from the throne, on the occasion of the opening of Parliament. Those royal words of sympathy and encouragement will find an echo throughout the world; and while they will no doubt be welcomed in the United States as a graceful tribute to the national

policy, they will probably not be without admonitory effect upon those Powers which have the misfortune to be still entangled in the evil institution the American people have abolished.

Nothing can be more luminous and conclusive than the President's recital of the fundamental principles upon which the Union is constructed, in those sections of the Address which treat of the Constitution, and of States' Rights. It will not have been forgotten, that the advocates of secession asserted the absolute sovereignty of each State. It was right, proper, and necessary that the first message to Congress, after the war, should define the actual position of each State in relation to the Union, and this has been admirably and succinctly done. Our readers would do well to study this portion of the Address, in order to enable them the better to comprehend the section on "reconstruction," and indeed the others which follow. Without this preliminary help, the actual political status of the Freed-men will scarcely be understood, and the government policy is likely to be misjudged.

The point of departure is simply this—that the Constitution does not give the Executive any power to determine upon what conditions the States shall permit its citizens to exercise the suffrage, so that it is competent to any one, or to all, to exclude the Freed-men. It is to be hoped, nay, it is probable, that a common sentiment of safety will prompt the States to extend the franchise to the Freed-men, otherwise the late slave-holders and their allies will assuredly regain much of the political power they have lost through the abolition of Slavery, and will re-establish the latter under various forms. We regard as of good augury the acceptance by the House of Representatives of the Bill giving the right of vote to the Freed-men in the District of Columbia. We also consider it of great importance, with especial reference to the settlement of the question in the late Slave States, for if it be found that the enlargement of the body of the electors in the Congressional District has been unattended by difficulties of any kind, it can scarcely be doubted that the experiment will be a great encouragement for its adoption elsewhere. It is obvious, indeed, that this policy must be carried out, or the whole elective system will be disorganized. As population is the basis of representation, the four millions of persons now suddenly added to the classes of the South who have a right to be represented, would entitle the late Slave States to a corresponding increase of representatives, while the Northern States would remain as they are. It is not likely they will consent to

an arrangement which would infallibly leave them in a majority, and practically place them in a worse position than they were before the war. Hence—as we have already pointed out—we believe the sentiment of a common danger to be avoided will be likely to outweigh all prejudices against colour, and bring together the majorities requisite to ensure the franchise to the emancipated classes.

No one can read the President's Address without coming to the conclusion that he is honestly desirous justice should be done, in all respects, to the Freed-men. On one point, however, we confess to a feeling of apprehension. The President says, "The change in their condition is the substitution of labour by contract for the status of Slavery." Now the success of emancipation will be seriously jeopardized if it be left to the employers of labour to determine the conditions upon which services are to be given for wages. The Freed-men's Bureau will, to a certain extent, protect the labourer, so long as it possesses the right of interference; but if the contracts for labour are to be trammelled with conditions such as those it is proposed to introduce into Georgia, under the "Law of Master and Servant," we foresee a most deplorable result, and the substitution of a system of feudalism and serfdom, differing from Slavery only in name. For instance, contracts are to be entered into for one year, and amongst other stipulations for the benefit of the labourer, he is to be provided with a dwelling so long as he works on the plantation, which his wife and their children may also occupy with him. But he is not absolute master of his cottage. He may not receive a visitor without permission, nor leave the estate without a pass; is punishable for disobedience or neglect, as a criminal, and must follow his master wherever he may go during the term of contract. His master may also make a deduction from his wages for every act of which he may disapprove, and no time is allowed him for himself, the day's labour being fixed at from sunrise to sunset, while the master has the power of refusing or of granting leave of absence on Sunday. To call this a system of "free labour" is simply a mockery. It is not a system the white labourer would submit to, nor is it intended to apply to him. If it be established, nothing but evil can possibly come of it. The freedman must work, in order to sustain himself. He contracts to work for a year, but his wages may be reduced to nothing if the master have the power of inflicting fines at his discretion. If, on the other hand, the master dismiss him, he must forthwith depart, quitting his little home as

well as his employment, and as he would have no letter of "character," he would not easily find work elsewhere. This is only one feature in the case, and we submit it as illustrating the tendency to place the freed-man in a position in some respects even worse than the one from which he has been rescued. It is obvious that such a system cannot fail to make the freed-men of unsettled habits, and cannot tend to encourage him to acquire a proper social status, because, having no home, he will have no incentive to surround himself with the comforts of civilized life, but will content himself with the barest shelter, living from hand to mouth, and sinking, day by day, lower in the scale of humanity. We cannot contemplate such a state of things without great alarm, for free labour under such circumstances must fail, and its failure will be attributed to emancipation. It would really seem as though the late slave-holders were resolved to make it fail; and what adds to the gravity of the circumstance, we see no immediate remedy; unless, indeed, the freed-men, properly advised, should refuse to accept service on such conditions, a contingency scarcely to be looked for in the face of the alternative of starvation. Give this class the franchise, however, and it at once surrounds itself with a power of self-protection which must make itself felt and respected, for it would be so strong as a political element, that friends would start up to defend its interests, and to liberate it from all such trammels. For this reason, and for others as obvious, we cannot too strongly urge that this most important question of the suffrage be speedily determined.

We shall probably recur to this subject, which causes us much uneasiness. Nevertheless, we feel that, in spite of much that is unsatisfactory in the mode of dealing with the freed-men, "it is," to employ President Johnson's words, "one of the greatest acts on record to have brought four millions of people into freedom."

## LEGAL ABOLITION OF SLAVERY IN THE UNITED STATES.

### ADDRESS TO PRESIDENT JOHNSON.

At a General Meeting of the Committee of the *British and Foreign Anti-Slavery Society*, held at No. 27 New Broad Street, E.C., on Friday, the 2nd of Feb. 1866, the following Address to Andrew Johnson, President of the United States of America, was unanimously adopted:

TO ANDREW JOHNSON,

President of the United States of America.

SIR,—The Committee of the *British and Foreign Anti-Slavery Society* have learned with

the highest satisfaction that the amendment to the constitution, abolishing Slavery for ever, throughout the Union, has been ratified by the requisite majority of States, and has consequently been authoritatively declared to be the law of the land.

An event so momentous as that, which in a day converts a population of slaves into a free people, is one well calculated to arrest the attention of the friends of humanity throughout the world, and to inspire them with hope that the day is not far distant when such of the children of Africa as are now held in bondage in other countries under professedly Christian rule, will also receive the boon of freedom, their birthright.

The Committee sincerely congratulate you, Sir, and, through you, the great American people, upon this auspicious consummation, and upon the final abolition of a system which was, at the same time, an outrage upon the rights of humanity, and a blot upon the noble institutions of your country. While they deeply deplore the terrible war, of which it was the primary cause; the awful sacrifice of human life, and the disorganization of society it entailed, and the assassination of your virtuous predecessor, President Lincoln, they believe that these events are being overruled for good by an all-wise Providence, and that the lesson will not be without its salutary effect upon the nations of the civilized world.

The Committee hail the legal abolition of Slavery throughout the Union with the greater satisfaction, as being manifestly the expression of the popular will, and not that of a mere section of the community; and they rejoice to recognise the existence of a design to confer upon the freedmen the political rights and privileges enjoyed by their fellow-citizens, as exemplified by the recent adoption by the House of Representatives, of the Bill "granting unconditional negro suffrage in the district of Columbia."

The Committee feel most strongly that the eyes of the civilized world are fastened upon the experiment proceeding under your administration, in relation to the negro race, so long oppressed, and still so sorely maligned. It is not possible for Brazil, with her 3,000,000 of slaves, to regard it without trembling interest. Nor does Spain, with her million of slaves in her Antilles, stand an indifferent spectator of the events which are transpiring in their immediate vicinity. All who are interested in the future of the descendants of the African race, now in foreign lands, must admit that they are about to be subjected, in your country, to an ordeal of the most trying kind; less on account of any inherent incapacity in themselves to exercise the responsibilities of citizenship, than because of the baleful influences by which they are surrounded. No despot ever relinquishes his absolute power without a struggle, nor, when deprived of it,



fails to attempt to recover it, by what means soever; and experience has proved, that the despotism of Slavery is the most tenacious of its usurped rights over its victims. It is because the Committee hold the conviction, that the advocates of this system are, under all circumstances and at all times, eager and on the watch to take advantage of every occasion to acquire preponderating influence, and, through it, to re-institute involuntary servitude, under particular forms of law and special conditions of labour; by a denial of certain civil rights and privileges; and, by interposing impediments to the just administration of the laws, that they deem it their duty at this crisis respectfully to point to the danger of leaving legislation for the emancipated classes in the hands of their former owners and their associates. The sad example of Jamaica, and the unsatisfactory state, in some respects, of other British West-India Colonies, are cases in point. Jamaica especially is cited as an example of the disastrous results of emancipation. Those, however, who look below the surface, who—as this Committee have done—have watched the progress and tendency of legislation in them, unhesitatingly repudiate the allegations of the enemies of emancipation, and as boldly charge them with being themselves the authors of these very results. It may be conceded that a grievous mistake was committed, at least in Jamaica, when the dominant class was left, without check or hindrance, to regulate its own relations, political and social, with a section of the community previously servile; a license of which the fullest advantage was taken, and which has led to an abnormal condition of the labour-market, to alienation instead of union for a common interest, to a diminution of production, and, necessarily, to a lamentable degree, to retrogression, moral, physical, and social. The Committee nevertheless hope that a prompt and effectual remedy—too long delayed—for this state of things will be found, now the causes of it have been made apparent; but it is ever easier to avoid an evil, when forewarned against it, than to devise measures to prevent the recurrence of long-standing abuses; and the duty devolves upon the Committee, as faithful guardians of the interests of the emancipated negro race, wherever found, respectfully to indicate to those who are abolishing Slavery, the dangerous points in their path, and the means of avoiding them. By the premature withdrawal of a stipendiary magistracy in Jamaica, the labouring classes there were left without protection in the adjustment of claims for wages. The Freedmen's Bureau appears to the Committee to secure to the freedmen this very protection; but its guardianship, under faithful and vigilant officials, will continue to be requisite until the coloured man has a right to bear witness in the court of justice, before an unprejudiced jury, and his interests are guaranteed by law. The

Committee are convinced that the only safe principle is, to give the freedmen the same rights and privileges, in the eye of the law, as are enjoyed by their fellow-citizens; to place no impediments whatsoever in the way of their full legitimate exercise, and especially to war against the prejudice against complexional differences, as a bar to social and political rank, according to the merits of the individual. This is what the emancipated African can claim; it is bare justice; and this is all his friends pretend to claim for him.

The Committee confidently believe that you, Sir, as the chief magistrate of an intelligent, a noble, and a free people, into whose hands has been committed the responsibility of governing them, during a period of unexampled difficulty, will receive this respectful address in the spirit in which it is designed, and that, in view of the peculiar interest felt by the Committee in the welfare of that section of the African race, under your rule, now happily and for ever free, you will give the suggestions they have ventured to throw out, your kind and attentive consideration, and will accept, on their own behalf and on that of all the friends of humanity, their warmest congratulations.

With much respect and high esteem  
on behalf of the Committee,

(Signed)

SAMUEL GURNEY, *President.*

JOSEPH COOPER,

J. W. MASSIE, D.D., LL.D., } *Sub-*

L. A. CHAMEROVZOW, *Secretary.*

## THE QUEEN ON CURRENT EVENTS.

ON Tuesday, the 6th current, the Queen opened Parliament in person, for the first time since the decease of the Prince Consort. The usual ceremonials were observed, but the Royal Speech was delivered by the Lord Chancellor. We deem it deserving of special comment, that Her Majesty took the opportunity of bearing testimony against the institution of Slavery, and we feel sure those right royal words fully express the national sentiment. We subjoin the paragraph, and others bearing on the subjects in which our friends are interested.

### ABOLITION OF SLAVERY.

"I have observed with satisfaction that the United States, after terminating successfully the severe struggle in which they were so long engaged, are wisely repairing the ravages of civil war. The Abolition of Slavery is an event calling forth the cordial sympathies and congratulations of this country, which has always been foremost in shewing its abhorrence of an institution repugnant to every feeling of justice and humanity."

## THE AFRICAN SLAVE-TRADE.

"I have at the same time the satisfaction to inform you that the exertions and perseverance of my naval squadron have reduced the Slave Trade on the West Coast of Africa within very narrow limits."

## THE CONFEDERATE CRUISER.

"A correspondence has taken place between my Government and that of the United States with respect to injuries inflicted on American commerce by cruisers under the Confederate flag. Copies of this correspondence will be laid before you."

## RENEWAL OF DIPLOMATIC RELATIONS WITH BRAZIL.

"The renewal of diplomatic relations with Brazil has given me much satisfaction, and I acknowledge with pleasure that the good offices of my ally, the King of Portugal, have contributed essentially to this happy result."

## THE EVENTS IN JAMAICA.

"The deplorable events which have occurred in the island of Jamaica have induced me to provide at once for an impartial inquiry, and for the due maintenance of authority during that inquiry, by appointing a distinguished military officer as Governor and Commander of the Forces. I have given him the assistance of two able and learned Commissioners, who will aid him in examining into the origin, nature, and circumstances of the recent outbreak, and the measures adopted in the course of its suppression. The Legislature of Jamaica has proposed that the present political constitution of the island should be replaced by a new form of Government. A Bill upon this subject will be submitted for your consideration."

"Papers on these occurrences will be laid before you."

## THE ALLEGED INSURRECTION IN JAMAICA.

## LETTERS TO THE PRESS.

WE continue the series of letters addressed to the editors of London and provincial newspapers, and issued from the offices of the *British and Foreign Anti-Slavery Society*.

## THE REIGN OF TERROR IN JAMAICA.

## LETTER VII.

Those who take up the opposition on the subject of the recent massacres in Jamaica, assert that the silence of parties in the island best qualified to give an opinion as to their origin, ought to be accepted as proof positive of the existence of a conspiracy, and of its premature out-

break at Morant Bay. It does not appear to have occurred to these persons that a truer explanation of this silence might be given. The simple fact is, people have been afraid to speak or to write. Whatever correspondence relating to the recent terrible events has reached this office, has come through indirect channels; and I have written testimony to the effect that the reports which have appeared in one of the leading island newspapers, of the proceedings at Morant Bay, were written to order, "in a certain way, and on only certain things."

One of our correspondents says:

" . . . It was a reign of terror. . . . The half has not been told, and never will be known in England, except through the medium of those who, like myself, were, on the spot, quiet spectators of what went on. . . . The individual who gets up here to make statements of the character to which I allude will be a marked man for ever, and must turn his face elsewhere for a home of peace and safety. Besides, the Legislature, during its present sitting, blinded by fear, has been passing some highly penal measures, such as cannot fail to deter men from speaking out."

Our correspondent adds, that "the publication of the notes taken at the trial of the late G. W. Gordon, with his defence, was strictly forbidden."

One is tempted to inquire what reason could exist for this prohibition, if the evidence proving the guilt of Mr. Gordon as the instigator of the alleged conspiracy, and the direct provoker of the massacre in front of Morant Bay Court-house, was so overwhelming and conclusive.

On the 28th of November last, on the motion of Mr. John Nunes for a "return of the number of persons killed by the rebels in the eastern district, the number of rebels tried by court-martial, and the result, as well as the number shot, hanged, flogged, or otherwise punished without such trial, so far as the same can be ascertained," Mr. Lewis stated to the House of Assembly that "it was impossible to furnish the return asked for, and, in fact, there was no chance of getting it."

This, I submit, is a sufficient reply to those who accuse us of exaggeration. The charge is more justly applicable to our opponents, who do not scruple to magnify the number of whites who were killed. Now, of the eighteen volunteers who fired into the people, six were killed, six were wounded, and six escaped unhurt, though in the power of the mob. Of the civilians saved, one was the Rev. Mr. Cooke, rector of the parish, a person peculiarly obnoxious to the political supporters of Mr. Gordon, because he was the cause of the dismissal

of the latter from the Commission of the Peace. Yet no harm came to him, although he was utterly at the mercy of the rioters. When he was panic-stricken, in their midst, two negroes forced him into his carriage and sent him home.

Again, the prison having been broken open, and the prisoners set at liberty, these, burning for revenge, joined in the attack on the Court-house; and it may be noticed that the parties assailed were individually looked upon as unfriendly to the prisoners. The inspector of police was killed, although his child was saved. The deputy-clerk of the peace, Captain Hitchings, who commanded the volunteers, as well as the Custos who ordered them to fire, and other magistrates who had sentenced and committed individual prisoners to gaol, were also slain; while the young Baron Alfred von Ketel-holdt escaped, as did the clerk of the peace, the latter having been hidden by a negro. His brother, however, being mistaken for him, fell.

The release of the prisoners will go far to explain the raid on certain plantations on the following day, and the assaults on individuals, including a stipendiary magistrate, Mr. Jackson; as also the murder of Mr. Hire, who seems really to have been the only person killed after the scenes at the Court-house.

The custom-house officer mentioned in Mr. Charles Buxton's first letter as having been killed, afterwards turned up uninjured, along with many others who at first were reported to have been massacred. The murder of the Rev. Mr. Herschell, as also that of Mr. Price—a black man—appears to have been prompted by a personal animosity for wrongs either fancied or real.

It is, in my humble judgment, of much importance to keep these facts steadily before the public; and also that none of us who have demanded inquiry have hesitated utterly to condemn from the first the violent and lawless conduct of the blacks, notwithstanding the great provocation they received.

Up to the present time, all the evidence which has come to hand from independent sources goes to shew that the disturbance at Morant Bay is traceable to a most trivial origin. The letter which I append throws a new light upon the case of trespass tried on Monday, the 9th of October, two days before the riot. The man Dick gathers a couple of cocoa-nuts from a tree on a deserted plantation—the one, it would seem, the title to which was in dispute—and, being convicted, is sentenced to hard labour for a considerable term. It must strike every one that the punishment was out of all proportion to the offence; for the fruit, so common in the island, must have been

of nominal value, and the manifest injustice of such a sentence would be calculated to excite dissatisfaction in the minds of people already familiar with similar instances of undue severity.

The letter of our correspondent, to which I beg to call your attention, will speak for itself; but I would solicit permission, once for all, emphatically to disclaim, on the part of those who have sought to obtain the inquiry our correspondent suggests, any intention of prejudging Lieutenant-Governor Eyre, save in so far as his own reports justify us in forming an opinion upon his acts. This is all we have done. If it is adverse to him he is responsible; we are not. Our opponents, however, have not scrupled to prejudge the case on the other side. They have accepted as proved the existence of a conspiracy, against all evidence to the contrary, and expect us quietly to acquiesce in the judgment they have rendered. The force of this argument is not admitted by, Sir, your obedient servant.

27 New Broad Street, E.C., Jan. 2.

Jamaica, Nov. 22, 1865.

MY DEAR SIR,—I would have written you by last packet, but knew that if I attempted it my letter would be opened and detained, and, perhaps, I myself arrested. His Excellency the Governor seems to have used every effort in his power to prevent the English people from learning the true state of things. I imagine, from what has been printed here, and from the Governor's speech, and the replies of the two Houses to it, that you have been led to believe that the whole island is in a state of anarchy. Nothing can be more untrue. There has been a most serious outbreak amongst a portion of the labouring population in the parish of St. Thomas-in-the-East, and this has been magnified into a rebellion; though I am confident that when the matter is inquired into, as it must be, it will be found that there was no disloyalty whatever towards the Queen, but simply a determination to take revenge on the local authorities, whose oppression and injustice the people felt to be no longer bearable. Beyond the spot where the painful events took place the people have been as quiet and law-respecting as ever, though things have been said and done calculated to provoke the worst passions. That the mass of the people have remained quiet is a matter both for surprise and thankfulness. To enable you to understand the matter, I must describe somewhat the district where the outbreak took place. It was at Morant Bay, in St. Thomas-in-the-East, a parish and district almost entirely unblest with Missionary influence. There was not, indeed, a single European Missionary living within sixty or seventy miles of the place. Thirty-five years before, the white inhabitants drove the Gospel from them, and Mr. Burton, a Baptist Missionary, was imprisoned in a filthy room of the very Court-house that has been burnt down, and Mr. Cooke, the then and pre-



sent rector, who has so bitterly suffered, was his principal persecutor. In a despatch written by Sir H. Barkly, he states that it is a district from which he received more complaints of injustice than any other. Three or four men ruled the parish, and they did it with an iron hand. One of them was the Custos, the Baron von Ketelhodt; another, Mr. Cooke, the rector; and a third, a Mr. Herschell, an island curate at Bath. Mr. G. W. Gordon, a large landed proprietor, has for years past espoused the cause of the oppressed. This brought him into frequent collision with the authorities, by whom he was treated with great injustice. You will remember how, a year or two ago, the Governor deprived him of his commission as a magistrate because he exposed the cruelty of the rector, Mr. Cooke. This act annoyed the people greatly. About that time he was elected churchwarden, but was not allowed to take his seat at the vestry-board because he was not a communicant at the church; and the only reason he was not, was because the rector refused to administer to him the ordinance. When he insisted upon taking his seat he was forcibly removed by the Custos; and when he afterwards brought an action for assault, the jury, though the judge summed up in his favour, refused to give him a verdict. A new trial was allowed him, and a similar verdict given. So satisfied, however, were the judges that the law was in his favour, that they granted his application for a third trial, which would have taken place this month had he not been hanged. The people became impressed with the fact, that if any one dared to become their friend he would meet with the worst of treatment. Just at this time a Mr. Jackson, a stipendiary magistrate for the parish, who, I believe, was an upright man, felt it his duty to lodge a complaint against the clerk of the peace, and for doing so he was sent out of the parish by the Governor. This, I am informed, greatly increased the discontent of the people. Owing also to the drought, the low price of sugar, and the high price of all imported goods, the people suffered a great deal, and, in common with those in other parishes, sought to make their condition known through a public meeting. It was just at this time that the Governor had printed many thousand copies of a placard, containing an extract from a despatch of the Right Hon. Edward Cardwell's, in answer to a petition sent from a few poor people in St. Ann's. The placard was headed, "The Queen to the peasantry of Jamaica." It is assumed that the people would not work; it asserted that the planter was prepared to pay high wages for continuous labour, and it contained not one kindly word of sympathy for the people in their distress. To be thus addressed by their Queen was something new—something they could not understand—and they came to the conclusion that their enemies had written home to the Queen complaining of them. They felt, therefore, that it was no use now to look for redress, even to the Queen. They became desperate. A large meeting was held, at which strong, and think, unwise language was used; but there was nothing said or done that would have led to the supposi-

tion that they intended to resort to physical force, nor do I believe they did. A week or two after the holding this meeting, a man was taken up (I give this from general report) for gathering two cocoa-nuts from a tree on a deserted plantation, and sentenced to hard labour for a considerable time. He was advised to appeal, and did so. During the trial his friends seem to have behaved badly in the Court-house, and warrants were issued for their apprehension. They resisted, and sent the policeman back handcuffed. Such conduct of course could not be overlooked, and the magistrates met to see what could be done. The people heard it, and met too, to the number of three or four hundred. Threatening language was used, sticks and maceheads flourished, when unfortunately the volunteers were ordered to fire, and twenty men fell dead on the spot. Vengeance was now determined upon. The small force was soon overcome, the guns at the police-station were seized, and the authorities in the Court-house refusing to come out, the building was fired, and some eight or ten persons, including the Custos, and Mr. Herschell, the island curate, were killed. The mob now had every thing their own way; their numbers soon augmented; and the next twenty-four hours were spent in breaking open the rum stores, and in pilfering any property they could lay their hands on. It is said that many atrocities were committed on the dead bodies, but of this we want proof. Certain it is that they touched neither woman or child, nor indeed can I learn that any one was killed by them after the first fight at the Court-house. Now, what followed? The Governor instantly proclaimed martial law in the whole county of Surrey, except Kingston. Every available soldier and sailor was sent to the place, the whole district for miles was said to be in rebellion, and every man and woman with a black face mercilessly shot down or hanged. The services of the Maroons were obtained and let loose upon the people. Their little cottages were everywhere burnt to the ground, and all who were found running away were shot dead. It is supposed that in little more than a week more than 2000 people have been either shot or hung, whilst the number flogged is enormous. It is commonly reported that more than 300 women and young girls have been catted. The rule seems to have been, when they were brought to trial, to hang every one said to have been near the place on the day of the riot, but when nothing could be proved against them, to give them fifty or a hundred lashes, and send them away. When a poor creature was sentenced to be hanged, he was severely flogged first. In confirmation of what I write, I refer you to the official despatches addressed to the Governor, especially to that of Colonel Hobbs, published in all the newspapers. A few days after the outbreak, George W. Gordon was apprehended in Kingston, beyond the precincts of martial law, carried to Morant Bay, tried before a court-martial of three persons, two lieutenants and an ensign, found guilty, and hung. What his crime was I know not. The evidence that convicted him is carefully concealed from the public. He was precluded from obtaining professional assistance; and, indeed, had not the presence or

counsel of a single friend. I knew him well, and believe it impossible that he could have counselled the people to resort to physical force. The evidence may alter my opinion, but in the mean time I have confidence in his innocence. Amongst others arrested were Dr. Bruce, of Vere, the editor of the *County Union*, Mr. Levien, D. P. Nathan, solicitor-at-law, and two of our native preachers. These were all living far from where martial law was proclaimed, and sent to Morant Bay for trial, and would have been tried by court-martial had the Governor had his way. I am told, however, that the Attorney-General has all along been opposed to the proclamation of martial law, and His Excellency has at last been obliged to pause. It is a remarkable fact, that now martial law has ceased, and the persons are to be tried in a proper way, upwards of twenty of them are coolly told there is nothing against them. Not one of these would have escaped, had they been tried by court-martial; at least, that is my belief.

This ought to have reached you by the last packet, but I knew that any thing I wrote you would be detained. Even now I must send it in an indirect way. The most unconstitutional laws are being passed; laws which, if allowed by the Queen, will render it almost impossible for any one who respects his manhood to remain in the land. An attempt was made to pass a law which would have closed every Dissenting chapel in the island. The feeling aroused when this law was presented to the House, however, was such, that the Government was compelled to withdraw it. The Governor has no hope of convicting certain persons, amongst them Dr. Bruce and Mr. Levien, if tried in a constitutional manner; he has therefore induced the Assembly to pass a Bill which will enable him to have them tried by a military tribunal, as though martial law was still in existence. That these men and others have spoken and written strongly about the doings of the Government there can be no question, but that they ever had a disloyal thought against our most gracious Queen cannot, I feel certain, be proved. Another Bill to which I would call your attention is that entitled, 'A Bill to prevent Rebellion.' There are also others quite as atrocious, which I hope will be sent to you. All means will, however, be used to prevent a copy of these atrocious Bills from reaching you. You must, however, see them, and, if possible, prevent them from being sanctioned by the Queen. The iron heel of despotism is upon us; we are living under a reign of terror; our correspondence has been opened and detained. Dr. Underhill's letters have been opened and kept back from those who ought to have received them. The prison and the gallows have been prepared for the people's friends; and had not God interfered, many a spared life would, ere this, have been sacrificed. You will be able to use your own judgment in reference to the speech of the Governor, and the different messages he has sent to the House.

Now what shall be done? The friends of the negro at home must insist upon an inquiry into the outbreak in St. Thomas-in-the-East. The inquiry must not be conducted by any one here, but by persons from home. It must also be

ascertained whether the outbreak called for the sacrifice of 2000 precious lives—lives of persons, in many cases, who had no more to do with rebellion than I had; whether the flogging of women and girls was necessary; whether the burning of whole villages was at all justifiable; and whether the Bill of Indemnity, hastily passed by the Legislature, should be allowed. I tremble for the consequences, unless a full and fair investigation takes place. I question whether all history will disclose facts to shew that any people have been more wickedly maligned and ill-treated than have the people of Jamaica during the last three or four weeks. A fine opportunity has been afforded to take revenge upon the black, and well has it been embraced; and if it could have been done without fear of any one being called to account, their ministers and friends would have suffered with them. If I had the means, I would at once proceed to England and tell things that would compel the British Government to call those to an account who have committed them. Nothing will convince the English people of the madness which has seized our rulers and our press, so much as the fact, which cannot be explained away, that Dr. Underhill, and some of the Baptist Missionaries, were really charged with being parties to a plot to wrest away the island from the Queen. Thus our correspondence has been violated and our persons threatened with arrest. It was only yesterday that a Government official said to me, "All this is to be traced to Exeter Hall." This remark will of course appear as absurd to you as it did to me, but it will help you to understand the kind of people amongst whom we dwell. I enclose a statement of Colonel Whitfield's. I live in the very heart of the district through which he travelled, and hesitate not to say that the gallant colonel's fears are utterly groundless. I have mentioned his statement to hundreds of people: some laughed at it, others looked indignant. By the packet a memorial will be sent to Her Most Gracious Majesty, signed by all the Missionaries in the parish connected with the Wesleyan, Presbyterian, and Baptist Missionary Societies, not one of whom could conscientiously sign the address sent from the parish to the Governor. All the people's friends ask for is a fair and impartial inquiry into the causes of the outbreak, its extent, and the consequences which have ensued. Your Society, by using its influence to obtain such an inquiry as this, will at the present moment do good service to the cause of the negro. Let me, in conclusion, entreat your readers not to believe the Jamaica newspapers, especially the *Kingston Guardian* and *Standard*. The former persists in attributing the outbreak to Dr. Underhill and the Baptist Missionaries, although the last few days it has somewhat modified its tone. The *Morning Journal* would not, I think, intentionally circulate untruths. I think I may also say the same of the *Falmouth Post*; but the *Tribune*, the *Guardian*, the *Despatch*, the *Trevelany*, would give currency to any statement that would be likely to injure the cause of the black man. I sign my name to this, but perhaps it will be as well that it should not at present appear. Indeed, it had better not, with the powers the Governor has had given to him.

I enclose a copy of the memorial, sent this packet to Her Majesty, which may be of service. Another Bill for regulation of religious worship has been introduced. This will pass our Legislature, but must be strenuously opposed at home. To crush the black man is now the determination. I dare not send you this direct.

#### THE MEMORIAL.

To the Queen's Most Excellent Majesty.

May it please your Majesty,—We, whose names are hereunto appended, Evangelical Missionaries of the Wesleyan Methodist, and Baptist Missionary Societies in England, and the United Presbyterian Church of Scotland, respectively, and labouring in the parish of St. James, in your Majesty's island of Jamaica, beg leave to approach your Majesty with an unfeigned expression of our attachment to your Majesty's person and throne, and of our gratitude for the blessings which, in common with our fellow-subjects, we enjoy under your Majesty's benignant reign.

We deeply lament the lawless and ferocious outbreak, which, as your Majesty must have been grieved to learn, took place in one of the eastern districts of the island in the month of October last, and we readily acquiesce in the righteous condemnation and punishment of all who were wickedly concerned in it. Your Majesty, however, will permit us also to remark that we have been exceedingly pained by the rumoured cruel and barbarous proceedings of some at least of those who were engaged in the suppression of the riot, and especially by the reckless and terrible destruction of life and property, which, as it is asserted, has been perpetrated on the sad occasion. We know not how far these reports are worthy of credence; but in order that the truth may be discovered, and that for the satisfaction of the public mind, and the safety of the public interests, the causes and consequences of the outbreak may be truly and accurately discovered; we now venture to implore that your Majesty may be graciously pleased to direct a full and impartial investigation by a special commission from England to be made into the whole matter, and also into the reasons for the astounding allegation that seditious and murderous designs are entertained by the black population in general, and that a mighty danger thus threatens the land.

We most respectfully prefer this request to your Majesty because we have no hope of the desired information being otherwise procured, and because we feel we should be wanting in duty to your Majesty, to ourselves, and to our fellow-countrymen, as well as to the religious bodies in England and Scotland which we represent, and other philanthropic friends of the emancipated negroes in this and other portions of your Majesty's dominions, were we not humbly but earnestly to supplicate for an authoritative inquiry into an event which is unprecedented in the history of the colony; which very seriously affects the island at large; and from which we are persuaded, if your Majesty shall grant our petition, most important and salutary lessons may be learned by all classes of the inhabitants.

Fervently praying that He, by whom kings

reign and princes decree justice, may long preserve your Majesty in health and happiness, to rule in the affections of a devoted and loyal people, and may continue to the British empire, over which your Majesty so happily bears sway, that peace and prosperity with which of late years it has been so highly favoured, we remain, your Majesty's faithful and loving subjects,

(Signed)

WALTER DENDY, Baptist Missionary.  
J. E. HENDERSON, Baptist Missionary.  
EDWARD HEWETT, Baptist Missionary.  
G. R. HENDERSON, Baptist Missionary.  
WM. LAWRENCE, Presbyt. Missionary.  
ADAM THOMPSON, Presbyt. Missionary.  
JAMES REID, Baptist Missionary.  
JOHN MEARNES, Wesleyan Missionary.  
ALEX. SMITH, Asst. Wesln. Missionary.  
H. B. NEWALL, Presbyterian Missionary.

#### MORE LIGHT ON THE JAMAICA MASSACRES.

##### LETTER NO. VIII.

I HAVE from the first felt satisfied that, in due course of time, the truth respecting the Jamaica massacres would come out. The *Colonial Standard*, one of the leading newspapers in that island, has been an exceeding favourite with certain journals in this country, which quoted its reports and opinions as gospel, never deeming it possible that its correspondents might be writing under a feeling of restraint, if not of absolute terror; and that our version of the state of things was at least as trustworthy as their own. It is too much to expect any thing like fairness from those papers which have not only systematically and designedly excluded all communications coming from our friends, but have persistently and with *malice prepense*, misrepresented us and our motives, and bespattered us with abuse: nevertheless, as they quoted from the authorities which they believed to be on their side, they may perhaps like to have another opportunity of publishing further information from the same source. With this view the present communication, with the letter appended thereto—addressed to the British press through me—is sent to you for insertion. Were it not already too long, I would venture to add a few more facts which have reached me by the same mail: I must, however, reserve them for another time. I have only to add, that the notes of the trial of my friend, the late Hon. G. W. Gordon, are in my hands, and I hope to be able to give them to the public in a few days.

17th January 1866.

I have been so busily engaged in the Reporters' Gallery of the late House of Assembly, and with my Reportorial duties generally, that I have had no time to peruse the English papers



to hand by the present mail. I have, however, been told that some have been writing in very disparaging terms of me, and my correspondence to the *Colonial Standard*, written when I was at Morant Bay, the scene of the recent unfortunate riot. I have not seen these comments, but I am so assured. I desire most anxiously to put myself right with the British public, and I take the earliest opportunity to do so.

I was sent to Morant Bay as special correspondent to the *Colonial Standard*, at a period when that village was under martial law; the horrors and terrors of which I never anticipated. I saw men flogged and hanged for no just cause, the former until their very blood formed river courses down their backs; and every man, woman, and child (at Morant Bay), myself included, dreaded the very appearance of the chief actor (the Provost Marshal), in these revolting scenes. In such a condition of fear, many atrocities committed there, although chronicled in my rough note-book, I felt that I dared not have given in their true character, without incurring the risk of being handled very roughly. Then, some of those who had been arrested as "political prisoners" were my most intimate friends. I was known by the authorities to be intimate with them. I then felt that I, too, might become the subject of suspicion on the part of the authorities; so, to avoid this, I thought the only safe course was to endorse, for a time, the many acts lawlessly perpetrated at Morant Bay by the Provost Marshal. I was obliged, under the pressure of circumstances, to write as I did, because it was at my utmost peril to have attempted to find fault; and yet I saw these atrocities going on, and felt they ought to be laid before the public. I had no alternative, but to put them before the public in the manner that I did. It was enough for me that the statements existed as records of the evil doings; and I looked forward to a time of tranquillity and security, when the pressure would no longer be upon me, and when I would be able to state my opinions without let or hindrance. It was too fearful a reign of terror for me to have attempted to find fault; but when I desired the public to know that men were slain in such numbers, that they were being packed like sardines in a pan, I gave the public the information in a way safest to myself. So also with the case of Genge, Marshal, and others. I saw that murder in the direst degree was perpetrated in Marshal's case. I told the sad tale in the safest way I could, without getting my neck in a similar noose, and left the public to draw their own inferences; and they accordingly drew the inferences I desired.

I direct your attention to the case of Sergeant-major Judah, who succeeded me as special correspondent at Morant Bay, in consequence of my health having broken down from exposure, and the fearful stench that pervaded the place on account of the number of dead people that were buried within the precincts of the little town, very few feet below the surface of the ground. That gentleman simply stated in one of his communications that the Morant-Bay magazine was left unguarded. He wrote that in the interests of the Government, as he thought; and

it gave offence to Brigadier-General Nelson and to His Excellency the Governor, and he was, "in the most public manner" (I quote from the official order), deprived of his stripes and pay, dismissed from the volunteer service, and received a broad hint, that if martial law had not terminated, he would have been treated as a rebel.

Martial law has now been raised. The British public have manifested a spirit that will make the authorities here pause before they venture to assail the liberty of the subject, and make us feel more confidence in British justice, and, were that possible, more loyal. Thus inspired with a feeling of safety, I hesitate not in declaring to the British public, that the atrocities committed at Morant Bay during martial law, by the Provost Marshal, under the sanction of the authorities, will cause a blush on many a British cheek when chronicled. I hesitate not to say murder, foul murder, has been perpetrated in the face of open day; and I fear not to tell it, that Mr. George William Gordon has been cruelly slain by the authorities, not a tittle of legal evidence having been adduced to warrant even his being placed upon his trial. I have always understood that British justice demands that the accused and the accuser shall be confronted. But (I regret to record the outrage) Mr. Gordon's accusers were seventy miles away from the court-martial. They sent up affidavits, which the court-martial received as evidence. That is one dark feature of the solemn farce. Mr. Gordon's fate had been determined long, long before he gave himself up. Again, Mr. Gordon stated to the court, that Dr. Major, if sent for, would be able to testify as to the cause of his absence from the vestry on the day of the outbreak; a circumstance that has been dwelt upon very strongly as against him. This application was treated with contempt.

I could go into many points involved in the trial, to shew the entire innocence of the martyred man; but of that you and the public will be able to judge when you read the report of the trial sent by the present mail to the *Anti-Slavery Society*.

The public of Jamaica demand that an investigation should be immediately entered upon, as to the causes of the outbreak—this they will have very little difficulty in arriving at—and the means adopted for its repression. Nothing short of a Commission wholly composed of the British element will be able to arrive at the truth. I shall be prepared to give my testimony to the horrible butcheries I witnessed before such a Commission, but certainly not before a local one, in which not an individual in the colony would have an atom of confidence.

My opinions during martial law were the same as they are now. They were never changed. I was then shackled in the expression of my sentiments, not by the paper for which I wrote, but by the terrible daily examples I witnessed—so terrible that almost every innocent one at Morant Bay thought of the probability of his turn coming round, when he too would be visited with similar vengeance by the Provost Marshal. Some of Her Majesty's Justices of the Peace were nigh being catted by the Provost Marshal.

There were those to whom I could venture to whisper my thoughts and opinions, and upon them I can call to testify that I always gave expression to the sentiments that I now express. But what with the terrors of martial law around us, the system of espionage that existed, and, directly after martial law, the passing of an Act making it treason and sedition to give expression to any thoughts and opinions antagonistic to the action of the Government, we were all forced to act the part of dissemblers, many other members of the press included; but, looking forward with intense anxiety for the expression of British opinion, upon which hung the hopes of many, as the only thing that seemed to them, if expressed as it has been, sufficient to offer resistance to the tide of wrong and oppression on the part of those in power.

Under these circumstances I wrote; under far different circumstances I now write; and if I at all merit censure, it is for possessing a natural dread, a desire to avoid the laceration of my flesh "by way of caution." Ah! and a noose placed around my neck.

Thanking you, Sir, for the space you have been pleased to give to this communication in the columns of your influential journal,

I am, Sir,

Your obedient servant,

A. W. H. LAKE,

Reporter, "*Colonial Standard*."

Kingston, Jamaica,

December 22, 1865.

#### TRIAL AND DEFENCE OF G. W. GORDON.

##### LETTER NO. IX.

I THINK it is best, in the interests of truth and justice, to submit for publicity through your columns, and without comment of my own, the report of the trial and defence of the late Hon. G. W. Gordon, as furnished to me by the gentleman who acted as special correspondent at Morant Bay for the Jamaica *Colonial Standard*. It was my intention to add the collateral proofs in my possession, substantiating Mr. Gordon's assertions of his innocence of the charges on which he was arraigned, and of the inaccuracy of what may be regarded as the most material evidence produced by the prosecution. I must, however, reserve these for a later communication, as I fear to trespass too much upon your space. I trust that the publication of the following notes may direct the attention of some gentleman well practised in criminal law to examine the evidence upon which Mr. Gordon was executed, and to give an opinion upon the entire proceedings. I have not suppressed any portion of the notes. This will account for the reproduction of the document which has been styled "Gordon's Proclamation," and which the English press has already reprinted from the *Colonial Standard*.

The trial took place on Saturday, 21st October, at Morant Bay, before a drum-head court-martial, consisting of Lieutenant and Commander Brand, of the gun-boat *Onyx*, President; 2nd Lieutenant Carrington, of Her Majesty's war steamer *Wolverine*; and Ensign Kelly, of the 4th West-India Regiment; and it is to be borne in mind that this judicial mockery was enacted one week after the disturbances had been quelled, and when, according to Governor Eyre's own statement, all danger of any further outbreak had ceased.

I am, &c.,

20th January 1866.

#### THE TRIAL.

The President read the charges to the accused, which are as follows: 1st. High treason and sedition. 2nd. Having complicity with certain parties in the insurrection at Morant Bay on the 11th October 1865.

To these charges the prisoner pleaded not guilty.

The following witnesses were then called:

John Anderson (a rebel), sworn, states: The rebels told me if I did not join them they would shoot me. I saw Mr. Gordon at Stony Gut. I was forced to travel away to Leith Hall Barracks, where Mr. Espent is. Old Bogle got up M'Laren to go up to the mountains to look man and come to Morant Bay. I saw M'Laren going to the meeting with paper, and a piece of lead pencil in his ears. I heard George W. Gordon say to Bogle, "They are going to hold a meeting, and if we do not get the back lands they must all die."

Cross-examined by the accused, through the President of the Court: I saw Mr. Gordon at Stony Gut on a Sunday. I did not date the month. I think it was June or July, but it was this year. I did not date it down. There were plenty more persons there besides Bogle and himself. All who were there heard it. It was in the morning after evening chapel; the sun rose at about this time. Chapel was over three p.m. I know Mr. Gordon quite well.

The accused here asked the Court for pencil and paper to take notes of the evidence. The court was ordered to be cleared to consider the application. The court opened, and the application granted. The accused was then furnished with pencil and paper.

James Gordon (a rebel), sworn, states: In August last M'Laren went up to the valley (Mount Lebanon), and says that George W. Gordon says that they must hold a meeting, because he wants to gather up men, and that he (Gordon) sent a letter to the Queen, and if no answer came he would go himself to the Queen. (Here a deposition of the witness, made before the superintendent of prisons, and taken before Mr. M'Kenzie, a justice of the peace, was put in evidence, read and received, as follows: "Mr. George W. Gordon sent a letter to the valley, stating there would be a war, and they must be

prepared for it, and that the people would get their lands free.")

Witness continued: I still adhere to this deposition. He sent up afterwards to say that all the people must throw up money and send it to him, that he might pay for the letter to go home to the Queen; and if the letter won't go, he will go himself to see the Queen face to face. And when we tell him we won't able to do that, if it is the Queen send we will do so. He said we must try our endeavour; and if we get the money we must send it to any post-office, and direct to Mr. Gordon, and he will get it, and it must be signed G. W. Gordon at the back, and he will receive it anywhere at all. And from that I never heard any thing at all until I saw a large body of them.

Cross-examined by the accused, through the President of the Court: I know the letter came from Mr. Gordon. I don't know his signature, but, according to what the letter states, it comes from him.

The Accused: I disclaim that letter. I never wrote such a letter in my life.

The Provost Marshal tendered to the Court the dying confession of Thomas Williams (a rebel), and stated: That is my handwriting. I wrote it in the presence of Lieutenant Jones, of the Royal Artillery. I was sent for and told that the deponent was dying, and wished to speak to me. I took other officers with me.

The deposition was then read, the salient points of which are as follows: "Mr. Gordon said, all the outside land you will get for nothing. He had two meetings. He had tickets signed G. W. G. He said white man keep all the money, and black people work for nothing. Mr. Gordon teach them. All is Gordon's friends at Stony Gut."

The Accused: That is given on hearsay, and I deny it.

The Provost Marshal, cross-examined by the President of the Court: The dying man said all were Mr. Gordon's friends at Stony Gut, and Gordon teach them.

The Provost Marshal tendered to the court a document signed "William Robertson Peart and James Fyfe Humber, of the parish of Vere," sworn to before Justice of the Peace Gibb, of the same parish. The document was read and received, and the following are the chief points: "William Robertson Peart and James Fyfe Humber were present at a meeting at Vere, called to discuss the merits of Dr. Underhill's letter." We heard Mr. Gordon address the meeting. He said, "We petitioned the Governor. He is a bad man, and not sound. The Governor sanctions every thing done by the white man to the oppression of the black man. My people get 9s. a week. What do you get? (A voice, "2s. 6d.") Look at your clothes. You are half naked and starved. They represent to the Queen that you are thieves. The Queen's advice is all trash; it is not her advice. Mr. Price and a few others are worthy people. You work on Sundays. Why are you putting fire to your own souls? Sabbath-breaking is bringing down a curse upon you. I hear your overseer has said that if you attend to this meeting, he will tear down your houses. He can't do it. Do as they do in Hayti."

The Accused: I said that the labourers in England got that. As to Hayti, I never thought of it; and my heavenly Father knows it.

The Provost Marshal tendered to the Court a letter seized by him in the house of a rebel called Chisholm, one of the ringleaders, which the Provost Marshal swore to as being in the handwriting of George W. Gordon. The letter was read and received, and the following are extracts: "Dear Chisholm: I have much to say to you, but can write. Please send, and tell M'Intosh, Clarke, and Bogle to inquire for letters. They are all starving in Vere. Pray to God for help and deliverance."

The Provost Marshal handed to the Court a deposition of Charles Chevannes, sworn to before Mr. Bicknell, police magistrate for Kingston. The deposition was read and received: the following are the chief points of it: "Shortly after the trial, Gordon *versus* the Baron, Mr. Chevannes expressed his regret to Mr. Gordon as to the result. Mr. Gordon said, 'Never mind; if I don't get revenge, my people will.'"

The Provost Marshal handed to the Court a deposition sworn to by George Thomas (a rebel), not able to attend the court, being sick in hospital, taken before Daniel Marshall, justice to the peace. The deposition was read and received, and is as follows: "I, George Thomas, residing at York, in the Parish of St. Thomas-in-the-East, do solemnly swear, that these three weeks they begin on it, Paul Bogle and Moses Bogle. They sent to call me and several others. When I went they swore me, and told me that on the appointed day I would see what was done. The day appointed was Wednesday, the 11th of October 1865. They told me that I was entitled to four shillings a day, and we never get it. Mr. Gordon never came at the meetings. Mr. Paul Bogle got Mr. Gordon's handwriting, and he (Mr. Gordon) was the person who told Mr. Bogle to do all this rebellion. They said if I did not swear they would kill me. Tuesday night, the 10th of October 1865, was the last meeting we had. I heard them say they were not to trouble Mr. Genges, because he is a friend of Mr. Gordon. I repeat that Mr. Gordon is the head of the rebellion. He (Mr. Gordon) put up the Boggles to do it. I heard Paul Bogle say on Wednesday evening, the 11th of October 1865, 'Good God, we can't get no fire.' Look at the white men killing all the black people. He called for the fire. I have heard Mr. Gordon advise the people not to pay for their lands, and they must seek for the white people first. Monday, the 9th of October 1865, I saw four policemen come to Bogle's yard; they were Fuller, Lake, and two constables whom they pressed. I know one of the constables: he is named Liston Davis, and one named Betty. I have seen James Dacres at one of the meetings. I have seen William Bogle and the other brother, who works Mr. Marshall's log-wood dray, at the meetings. M'Laren, of Church-corner, and a man named Grant, of Stanton-land, used to write at the meetings; and I have seen a small man from town (I hear he is a friend of George Clarke) at Paul Bogle's house, and he at all times write there. George Clarke and his father-in-law (Paul Bogle) got out, and he, Clarke, has



nothing to do with this row. I never saw him at the meetings."

His  
GEORGE X THOMAS.  
mark.

Sworn to before me this 18th day of October 1865,  
DANIEL MARSHALLECK, J.P.,  
Parish of St. Thomas-in-the-East.

The Accused—That is quite untrue.

The Provost Marshal handed to the Court 300 placards found in Mr. George W. Gordon's portmanteau in Kingston. The placards were read and received, and the following is one: "Public Meeting.—A public meeting will be held at on , the , day of , for the purpose of , Chair to be taken at o'clock by"

The Provost Marshal handed to the Court a placard supposed to be printed at the Watchman office, headed "State of the Island." The following is the placard, read and received (reproduced in the columns of the *Colonial Standard*):

"STATE OF THE ISLAND,—PUBLIC MEETINGS—  
ST. ANN'S BAY—ST. THOMAS-YE-EAST.

"A requisition numerously signed for a public meeting to consider 'the state and the condition of the people,' having been presented to the Custos, his honour has appointed Saturday, the 29th inst., for a public meeting at the Court-house, Morant Bay. We trust there will be a good meeting, and that the people will not, on that day, allow themselves to be interfered with by any of those who have already written to their disparagement, and made statements without proper foundations, which has so misled Her Majesty's government as to cause the very indiscreet despatch which the Right Hon. Mr. Cardwell, Secretary of State, was induced to send to Mr. Eyre in reply to St. Ann's memorial. This document ought to be well handled in a loyal spirit. We know that our beloved Queen is too noble-hearted to say any thing unkind, even to her most humble subjects, and we believe that Mr. Cardwell, and her Majesty's other ministers, are gentlemen too honourable and honest in their intentions wilfully to wound the feelings of Her Majesty's colonial subjects; but we fear they have been deceived and misled, and the consequence is a serious grievance to our people; but we advise them to be prudent, yet firm in their remonstrances, and we have no doubt that truth will ultimately prevail.

"People of St. Ann's,  
Poor people of St. Ann's,  
Starving people of St. Ann's,  
Naked people of St. Ann's,

You who have no sugar estates to work on, nor can find other employment, we call on you to come forth. Even if you be naked, come forth, and protest against the unjust representation made against you by Mr. Governor Eyre and his band of custodes. You don't require custodes to tell your woes; but you want men free of government influence; you want honest men; you want men with a sense of right and wrong, and who can appreciate you. Call on your ministers to reveal your true condition, and then call on Heaven to witness, and have mercy.

"People of St. Thomas-ye-East, you have been ground down too long already. Shake off

your sloth. Let not a crafty, jesuitical rector deceive you: speak like honourable and free men on Saturday, the 29th. Prepare for your meeting. Remember the destitution amidst your families and your forlorn condition. The Government have taxed you to defend your own rights against the enormities of an unscrupulous and oppressive foreigner, Mr. Custos Ketelhodt. You feel this, and no wonder you do; you have been dared in this provoking act, and it is sufficient to extinguish your long patience. This is not the time when such deeds should be perpetrated; but as they have been, it is your duty to speak out, and to act too. We advise you to be up and doing, on the 29th, and maintain your cause, and be united in your efforts. The causes of your distress are many, and now is your time to review them. The Custos, we learn, read at the last vestry the despatch from Mr. Cardwell, which he seemed to think should quiet you; but how can men with a sense of wrong in their bosoms be content to be quiet with such a reproachful despatch as this? Remember that he only is free whom the truth makes free. You are no longer slaves, but free men; then, as free men, act your part on the 29th. If the conduct of the Custos in writing the despatch to silence you be not an act of imprudence, it certainly is an attempt to stifle your free expression of your opinions. Will you suffer this? Are you so short-sighted that you cannot discern the occult designs of Mr. Custos Ketelhodt? Do you see how every vestry he puts off the cause of the poor until the board breaks up, and nothing is done for them? Do you remember how he has kept the small-pox money, and otherwise misdistributed it, so that many of the people died in want and misery while he withheld relief; how that he gave the money to his own friends and kept it himself, instead of distributing it to the doctors and ministers of religion for the poor? Do you perceive how he shields Messrs. Herschel and Cooke in all their improper acts? You do know how deaf he is on some occasions, and how quick of hearing in others! Do you remember his attempt at tyrannical proceedings at the elections last year and this? Inhabitants of St. Thomas in the East, you have been afflicted by an enemy of your peace, a Custos whose views are foreign to yours! Do your duty on the 29th day of July 1865. Try to help yourselves, and Heaven will help you.

Elizabeth Jane Gough sworn, states—I am postmistress. There was a correspondence between Mr. Gordon and certain parties, George M'Intosh, William Grant (the saddler), William Chisholm, James M'Laren. I have seen letters for Paul Bogle, but very seldom: I saw two packets of papers come through the post-office. I can swear to the handwriting of Mr. Gordon. (Printed placard handed to witness and identified.) This was one of the two papers addressed to Paul Bogle and Chisholm. It had a wrapper in the handwriting of Mr. Gordon. I can and do swear to the handwriting. I never saw one posted to a tree in front of M'Intosh's house. (Letter of Mr. Gordon to Chisholm handed to witness and identified.) It is Mr. Gordon's handwriting, and signed by him.

Question by the President: Was it not custo-

mary for Mr. Gordon always to attend vestry meetings?—A. He is always on the Bay the day before the vestry.

Question by the President: Was it not an exceptional instance that he was missing in attending the vestry on that very day?—A. It was. The slaughter commenced in the evening. He was not in the court-house.

Question by the President: Have you seen or heard of any meetings in Morant Bay?—A. I have never heard of any.

Question by the President: Were they kept secret?—A. I don't know.

(Cross-examined by the accused through the President of the Court): Q. Are you not aware that I have been for some time corresponding with Bogle.—A. I can't tell. Some time before my husband's illness Mr. Gordon had written to my husband to pay Bogle for shipping wax and sugar. I only remember that letter.

Q. When was my last letter through the post-office to Bogle?—A. I can't remember.

Q. Was it more than two or three weeks ago?—A. It may be more or less. I can't remember the exact time.

Q. Are you not aware that Chisholm has been an old servant of mine, and that I have been corresponding with him more or less?—A. I am not aware he was a servant of Mr. Gordon.

Q. Was he a friend of mine?—A. I don't recollect his writing Chisholm; but when he comes in late on the Bay, I have heard him talk about getting grass from Chisholm.

Q. Did not a title come through the book-post lately for M'Intosh?—A. There was a paper with a penny stamp on it for Mr. M'Intosh, which came through the post lately.

Q. What induced you to take that placard from the wrapper?—A. It is always a habit of the post-office here to take off the wrapper off the newspapers, and read them, and return them.

Q. Was the seal broken off the wrapper?—A. I just squeezed the book-post parcel and took it out.

Q. Have you happened to hear that I have been labouring lately under indisposition?—A. I have never heard so.

James M'Laren (a rebel under sentence of death), sworn, states: I know Mr. Gordon as a member of the House of Assembly for this parish, and as a vestryman.

Question by the President of the Court: Do you know Mr. Gordon has something to do with the rebellion?—A. I know I am going to be hanged this night. I don't know if he has any thing to do with it.

Question by the President of the Court: Did you ever hear of Mr. Gordon being connected with Paul Bogle?—A. Paul Bogle is a freeholder, and always give vote for him. Mr. Warren is Paul Bogle's minister.

(Cross-examined by the accused through the President of the Court): Q. Do you know a man named James Gordon?—A. I know several James Gordons.

Q. Have I ever sent up to tell you to get up a subscription and not to pay for the lands, and to get up a rebellion, or to advise them to any improper act?—A. No. I heard Mr. Gordon at the public meeting on the 12th of August advise me and others to pay our taxes.

The Provost Marshal handed to the Court a letter, dated 12th October, addressed to E. C. Smith, marked "Private," and signed G. W. Gordon. The letter was received and read, and is as follows: "I thank you for yours of the 12th, but the door to money letters is closed. I lament deeply the death of Hire—to be attributed to the arbitrary power of the baron. People can't hope for justice. This is the true cause of the discontent."

The Accused: I admit that to be my writing, but there is no intent there.

This closed the case for the prosecution (?)

#### THE DEFENCE.

The Accused applied to the Court for permission to call a witness. The application being granted,

Theodore Festard was called, sworn, and examined by the accused through the President of the Court.

Q. Did you not recently call upon me in Kingston, and found me in ill state of health, about two weeks ago?—A. I saw Mr. Gordon on the sofa, but I don't know if he was sick. I went at Mr. Mesquita's, and finding he was out, and heard he was at Mr. Gordon's, I went to Mr. Gordon's. I saw Mr. Gordon on the sofa. I saw him dressed. Mr. Mesquita and myself left together.

The Accused: May I be allowed to examine Dr. Major as to the state of my health, which prevented my attending the vestry?

The President: Dr. Major is not in Court, nor is he on the Bay (?).

The Accused then made the following oral statement:

Your Honours: I have to state that I was not taken up; but when I heard there were suspicious rumours about me, and feeling I was innocent, I gave myself up. I went to the general's house, in company with Dr. Fiddes, and told His Excellency that if I were required for any thing concerning the disturbance here, I was at command. He told me he had no authority over me at all, and when about taking leave of him, His Excellency the Governor came in with Dr. Bowerbank; and as I was about stating the same thing to His Excellency (here the accused asked for water, which was given him), when His Excellency said he had come for me, and would take me on board the *Wolverine*, and immediately Dr. Bowerbank escorted me to my lodgings, took me to the Ordnance Wharf, and I was taken on board the *Wolverine*. I have been entirely brought up with Europeans from my early days, and my best and confidential friends are of that class at this moment. I have never had any other but a feeling of love and affection for them. I have imported European labourers myself, knowing they would be of benefit to the country, and able to instruct the negroes; and I have always desired to see the Europeans introduced into the country, as a blessing to it. Instead of driving them out, my desire is their increased locality here. Then, the extensive possessions of land which I have would, I think, be a sufficient guarantee for wishing the safety of property; and therefore rebellion would be the last thing I would wish to see. I have always recommended the people, who have frequently complained to me, to patience and perseverance;

and, as a proof of that, I have always endeavoured to have their votes recorded, so as to obtain legitimate position. And I solemnly, before my Maker and this Court, declare that I never knew from Paul Bogle, or any other person in this parish, of any intended insurrection. If I die, I will die triumphantly. That I knew nothing of it until I was informed by a policeman in Kingston. I then went to the police-station, and next to my friend, Mr. Airey, who is connected with this parish, to know if he had heard any thing about it. I never heard from any of the parties of their movements or intentions in the least degree. I admit that the circumstantial evidence is very suspicious on me, but I can't help that. Paul Bogle, I admit, is my political friend, and it was his duty by his profession to have practised peace and goodwill, and I was astonished to hear he was at the head of this disturbance. I can hardly believe it. I regret it, but cannot control it. Mr. Laren I have lately known, chiefly since the last meeting here. My reason for not attending the vestry was solely from ill-health. I got afflicted with a severe cough, which shook my whole frame. When Dr. Major called upon me in September, he regretted I would not be able to attend the vestry, as I was so poorly. Then I was obliged to see Dr. Fiddes, and I could not possibly come up. I also mentioned to Mr. Airey, to whom I refer you, that my knees were so weak I could hardly stand; and he said I had better be away. This will, I hope, satisfactorily answer the suspicions about my not being at the vestry. The late custos and myself were old and familiar friends; and, although we have had political differences, fought on their own merits, I should never have done or wished him any personal harm. I would have protected his person at any time. In proof of this, at the last election there was a slight disturbance, and I went to the Baron, and said I hoped he would allow things to go on quietly, although we were not on speaking terms, and I advised the people to be quiet towards him, and generally. And as to the Rector, I told him he ought to love me as his own son, and that I had no animosity against him.

The President—That closes your defence.

The Accused—I beg, Mr. President, you will note that the evidence of Gordon is not correct, being hearsay; and Anderson seems to be a volunteer witness. It is not correct, I solemnly declare. I have only been at Stony-Gut Chapel once—I am sorry to keep you here so late. I wish to clear my character, if I die or live—and then it was a Sabbath meeting, when we could have nothing but religious conversation: if I said any thing, they must have misunderstood me. The statement of the man at York seems to be a general statement. I don't know him, and I deny what he attributes to me. In the deposition (Humber and Peart) the words attributed to me, especially in reference to Hayti, are incorrect; and I solemnly declare I never thought of Hayti when I was at the meeting at Vere; and these words, supposing they were correct, were spoken in another parish having nothing to do with this. And I emphatically declare that I never made a disrespectful refer-

ence to the Governor, nor did I say he was a bad man on that occasion. I was in a most chastened spirit on that day. I emphatically deny the statement of Mr. Chevannes. Revenge is a feeling not in my breast. With reference to the parties, Paul Bogle and Chisholm, writing them letters, I have been in correspondence with them for some time on general and political matters, and I have no letter from them which I would not wish this Court or the world to see. I have no secret correspondence from them. I hope it may be the pleasure of the Court to take further information that no charge is made against me for being concerned in any rebellion. I had expected, if any crime or misdemeanour were charged against me, I should have been tried on the merits in Kingston, as I was not taken up in a rebellious act, nor on rebel ground neither within any martial-law district. As said before, I freely gave myself up to His Excellency the Governor so soon as I heard that suspicions were held against me.

The delivery of the statement, and the time occupied in writing, took over an hour.

The Court was then ordered to be cleared.

After sitting in deliberation for nearly an hour, the Court was re-opened.

On its re-opening, the President pronounced, "This Court is dissolved."

NOTE.—Our readers may perhaps not be aware that, in consequence of the publication by several of the morning journals of the notes of Gordon's trial as above, furnished by us to them, the *Times* felt itself compelled to issue, the very next day, another version of the proceedings. The *Standard* refused to give publicity to our notes, alleging that they came from an untrustworthy source. The *Telegraph* gave them, but alleged that further evidence would probably be forthcoming, as it was unlikely Mr. Gordon would have been executed upon such flimsy testimony. The version given by the *Times*, however, did not differ materially from our own, only in so far as it suppressed two important points in the proceedings which told in favour of the unfortunate gentleman; a suppression for which it is most likely the editor is less to blame than the person who supplied the copy, and who is known to have been prominent in the preliminary measures against him.

Under these circumstances we deem it desirable to supplement any omissions in the notes which were sent to us, by the documentary evidence published in the *Times*, and at the same time to indicate the points of difference between them.

The latter are as follows:—

The *Times* gives Anderson's evidence at greater length, but the two versions agree on all the material points.

The *Times* omits G. W. Gordon's emphatic denial that he ever wrote the letter mentioned by the witness Gordon.

The evidence given by a witness who is



named in our version Thomas Williams, is, in the *Times* account attributed to Thomas Johnson. Which is correct we have no present means of ascertaining. The name is the less material, however, because the evidence is identical. But the *Times* omits Gordon's denial of the accuracy of this man's deposition.

The *Times* gives Peart and Humber's evidence in full. Our version presents every thing material in it.

The *Times* leaves out G. W. Gordon's denial that he ever made the statement about Hayti.

The *Times* gives Chisholm's letter as a document, but does not state that it was read as evidence. It does the same with regard to that of Chevannes. It omits Gordon's denial of the accuracy of the depositions of these witnesses.

To our report of Elizabeth Jane Gough's evidence, the *Times* adds her deposition on oath before Dr. Bowerbank, taken before Mr. Gordon's arrest, and which appears to have constituted the evidence upon which the warrant for his arrest was granted.

The *Times* leaves out what G. W. Gordon said respecting Dr. Major, namely, that if he were called he could furnish evidence why he, the accused, was not at Morant Bay on the day of the riot.

We subjoin the chief documents referred to above, and produced before the court-martial:—

PRODUCED BY MR. GORDON RAMSAY,  
PROVOST MARSHAL.

(Private.)

Kingston, Oct. 14, 1865.

My dear Sir,—I thank you for your's of the 12th, only just to hand, and shall attend to the two cheques; but since yesterday the door to money transactions seems closed, and will, I fear, get worse till some order be restored.

I lament deeply the report that our good friend Mr. Hire is among the slain! What a sad, sad war, superinduced by the imprudent and arbitrary conduct of the poor Baron; what an appointment for the Governor to have made, and what a result! I truly deplore all that has occurred.

I always advised peace and patience to the fullest extent, but I fear the sending away of Jackson, and the conduct of the C.P. and Justices caused the people to lose all confidence and hope in any thing like justice.

In my opinion, this is the true cause of immediate discontent, and how easily could it have been avoided.

I feel much for many who have suffered in this sad scene.

Believe me, yours faithfully

G. W. GORDON.

E. C. SMITH, Esq.

I am weak and unwell.

*Letter seized by Gordon Ramsay at Chisholm's house, October 16, 1865:—*

Let enclosed be delivered.—G. W. G.

Kingston, June 19, 1865.

Dear Chisholm,—I shall be up, D.V., by the end of this week, and hope to find all right.

See enclosed. We must not lose heart, but persevere in the good. Best wishes.

Yours very truly,

Mr. W. CHISHOLM.

G. W. GORDON.

It is difficult to believe that such evidence as the above was actually received as proof of Mr. Gordon's complicity with the riot at Morant Bay, and of his being privy to a conspiracy of extensive ramifications. There is quite as little in the testimony of E. J. Gough, and it has yet to be ascertained what induced her to come forward.

#### DEPOSITION OF ELIZABETH J. GOUGH.

Statement of Elizabeth Jane Gough, widow, now staying in the city of Kingston; being sworn, sayeth,—I am post-mistress at Morant Bay. For some time past, since the appearance of Dr. Underhill's letter, Mr. G. W. Gordon has been carrying on a regular correspondence through my post-office with George McIntosh, William Chisholm, William Grant, and James McLaren. He wrote McLaren about two posts, I think, before the breaking out last Wednesday at Morant Bay. I have also seen letters pass through the post-office from him to Paul Bogle, but not very often. The bag that arrived on Thursday night after the murders has not been issued. This bag is in the Kingston Post-office, so I think Mr. Boryer told me. The last one to James McLaren was very thick, not a single letter. From McLaren's last words, I think there must have been letters in it for other persons. I have received a packet of printed papers addressed in Mr. Gordon's handwriting to Paul Bogle, and another to William Chisholm. They came by the same post, shortly after the publication of the Queen's Letter. Paul Bogle has always been sending for letters, though he don't say from whom he expected them. McIntosh also, the post before the outbreak, was asking for letters. He did not say from whom. I have seen letters from him addressed to Mr. Gordon. These letters were posted by him, and, being late, he paid to forward them. I took one of the printed papers out of the packet addressed to Paul Bogle. I gave it to Mr. Richard Cooke. I had one in the post-office at the time of the outbreak. I had it in the Z hole. The heading of it was "To the People of St. Ann and St. Thomas-in-the-East." It called on the people to be up and doing. It contradicted what was stated in the Queen's advice, but I can't exactly tell you the words. It was not signed, but the wrappers on both packets, to Bogle and Chisholm, were in Mr. Gordon's handwriting. I know that Mr. Gordon and Bogle are intimate. Every one in that district knows this.

(Signed) E. J. GOUGH.

Sworn before me this 17th day of October, 1865.

(Signed) LEWIS L. BOWERBANK,

Kingston, J.P.

### A SUGGESTION CONCERNING JAMAICA.

IN our last we inserted a communication concerning Jamaica estate-cultivation, upon the co-operative principle, which seemed to us deserving of attentive consideration. This principle has our thorough support, for it is merely the extension of the partnership system—less its risks—and its practical application, by a number of persons of small individual means, to transactions which have hitherto not benefited by the union that gives strength, and which is applicable alike to all associations for whatever purpose. It is obvious that partnerships are entered into, because one individual finds himself unequal to attempt a certain undertaking out of his own resources. He therefore seeks an associate who brings him an equivalent, in some form, for what he himself ventures; and if the two partners are not equal to the undertaking, they take in one or more associates, and constitute themselves a company, with or without limited liability. The co-operative principle is thus found to underlie, in theory, all combinations of capital for commercial purposes. As applied to organizations, such as our correspondent so sensibly suggests, another element comes into play, which—unhappily—does not always prevail in those associations first referred to. Individual interest in the success of the enterprise characterizes the “co-operative” societies of working men. Each works not less for the advantage of the whole corporation than for his own, the general risk being equally shared; and we find in the *metairie* system prevalent in some of the West-India Colonies, a practice quite identical in principle with the suggestion of our correspondent. We do not for the first time advocate its extension, and we really do hope an attempt will be made upon a comprehensive scale, and under judicious superintendence, to introduce the co-operative system into Jamaica.

#### CO-OPERATION AS A MEANS OF RETRIEVING THE FORTUNES OF JAMAICA.

(To the Editor of the *Anti-Slavery Reporter*.)

SIR.—The suggestion which appeared on the twentieth page of your last issue, that estates in Jamaica should be cultivated on the co-operative system, with equitable assignment of the profits between owners and labourers, still waits a response on behalf of those to whom those labourers have always been encouraged to look up for guidance.

I have already received proffers of adhesion on

behalf of estate-owners; one notably to be carried out “under the supervision and control of a board appointed by the Anti-Slavery Association.” The outlines of a practical scheme are also promised at the fitting stage; that is to say, when a frank response shall have been made from “the other side.”

Meanwhile I hear from that side the reproach, that “the negro’s friends are more prone to intensify his sense of injury, than ready to prompt the improvement of his opportunities for common advantage.”

If any one doubt the success of co-operative enterprise, let him consult the writings of Professor Fawcett, M.P.—a most eminent authority on political economy—and let him also ponder the significant undertaking of the French Emperor, announced in his recent speech from the throne, to encourage, by new legislation, the development of co-operative industry.

I am, Sir, yours, &c.,

London Institution,

J. A. FRANKLIN.

Jan. 29, 1866.

P.S.—A mode of response which might afford that first desideratum—a prompt and emulative impulse—would be, permission to inscribe names as Guarantors (each fixing his own amount) upon a preliminary list, subject to confirmation in due course, in respect of the sufficiency of the aggregate amount, and of the suitableness of the scheme. The guarantee being designed to cover certain risks necessary to be incurred, it is probable that, if it be originated under good auspices, and prosecuted with spirit, it may no more subject the Guarantors to loss, than did the like guarantee subscribed for the great Exhibition of 1861.

J. A. F.

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#### MEMOIRS OF JOSEPH STURGE:

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London: S. W. Partridge, 9 Paternoster Row; A. W. Bennett, 5 Bishopsgate Without.

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